emergency declared by the Congress; to the Committee on the Judiciary.

By Mr. CURTIS of Nebraska:

H. J. Res. 24. Joint resolution limiting the spending powers of the Congress and to provide for reduction of the national debt; to the Committee on the Judiciary.

By Mr. DOLLIVER:

H. J. Res. 25. Joint resolution proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements; to the Committee on the Judiciary.

By Mr. DONDERO:

H. J. Res. 26. Joint resolution designating the first Tuesday of March of each year as National Teachers Day; to the Committee on the Judiciary.

H. J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States to fix the number of Justices of the Supreme Court; to the Committee on the Judiciary.

H. J. Res. 28. Joint resolution proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements; to the Committee on the Judiciary.

By Mr. DOYLE:

H. J. Res. 29. Joint resolution authorizing the President of the United States to appoint a committee to designate the most appropriate day for National Children's Day; to the Committee on the Judiciary.

H. J. Res. 30. Joint resolution proposing an amendment to the Constitution of the United States to grant to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

By Mr. ELLIOTT:

H. J. Res. 31. Joint resolution authorizing the issuance of a stamp commemorative of Dr. William Crawford Gorgas, of Alabama, who achieved national distinction in the field of preventive medicine by conquering yellow fever, thus making possible the building of the Panama Canal; to the Committee on Post Office and Civil Service.

By Mr. FISHER:

H J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States providing that a provision of a treaty which conflicts with any provision of this Constitution shall not be of any force or effect; to the Committee on the Judiciary.

H. J. Res. 33. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

By Mr. FULTON:

H. J. Res. 34. Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval and reduction of items in general appropriation bills; to the Committee on the Judiciary.

By Mr. HALE (by request):

H. J. Res. 35. Joint resolution designating the fourth Saturday of August of each year as Children's Day; to the Committee on the Judiciary.

By Mr. HALE:

H. J. Res. 36. Joint resolution declaring that the Yalta agreement is no longer binding on the United States; to the Committee on Foreign Affairs.

By Mr. HEBERT:

H. J. Res. 37. Joint resolution acknowledging, confirming, and establishing the title of the States to the navigable waters and lands beneath such navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. HILLINGS:

H. J. Res. 38. Joint resolution granting the consent of Congress to joinder of the United States in suits in the United States Supreme Court for adjudication of claims to waters of the Colorado River system available for use in the lower Colorado River Basin; to the Committee on the Judiciary.

H. J. Res. 39. Joint resolution confirming and establishing the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. HOSMER:

H. J. Res. 40. Joint resolution confirming and establishing the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. KEATING:

H. J. Res. 41. Joint resolution authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

H. J. Res. 42. Joint resolution designating the fourth Sunday in September of each year as "Interfaith Day"; to the Committee on the Judiciary.

H. J. Res. 43. Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval of items in general appropriation bills; to the Committee on the Judiciary.

H. J. Res. 44. Joint resolution designating November 19 the anniversary of Lincoln's Gettysburg Address, as Dedication Day; to the Committee on the Judiciary.

H. J. Res. 45. Joint resolution proposing an amendment to the Constitution to redefine treason; to the Committee on the Judiciary.

H. J. Res. 46. Joint resolution requesting the President to issue a proclamation designating Memorial Day, 1953, as a day for Nation-wide prayer for peace; to the Committee on the Judiciary.

By Mr. KEOGH:

H. J. Res. 47. Joint resolution authorizing the creation of a Federal Memorial Commission to consider and formulate plans for the construction in the city of Washington, D. C., of a permanent memorial to the memory of Franklin D. Roosevelt; to the Committee on House Administration.

H. J. Res. 48. Joint resolution proposing an amendment to the Constitution of the United States, relating to removal of judges; to the Committee on the Judiciary.

H. J. Res. 49. Joint resolution amending the joint resolution entitled, "Joint resolution to provide for the adjudication by a commissioner of claims of American nationals against the Government of the Union of Soviet Socialist Republics," approved August 4, 1939; to the Committee on Foreign Affairs.

H. J. Res. 50. Joint resolution amending sections 1606 and 1607 of the Internal Revenue Code, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. LANE:

H. J. Res. 51. Joint resolution granting free postage to members of the Armed Forces, while confined for treatment in a military or naval hospital, and to veterans while being furnished hospital treatment or institutional care in institutions operated by or under contract with the Veterans Administration; to the Committee on Post Office and Civil Service.

H. J. Res. 52. Joint resolution providing for the American Joint Commission To Assist in the Unification of Ireland; to the Committee on Foreign Affairs.

By Mr. LESINSKI:

H. J. Res. 53. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1953, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. McDONOUGH:

H. J. Res. 54. Joint resolution granting the consent of Congress to joinder of the United States in suit in the United States Supreme Court for adjudication of claims to waters of the Colorado River system; to the Committee on the Judiciary.

H. J. Res. 55. Joint resolution appointing a board of engineers to examine and report upon the proposed central Arizona project; to the Committee on Interior and Insular Affairs.

H. J. Res. 56. Joint resolution amending the joint resolution of June 22, 1942, relating to the display and use of the flag, so as to establish a rule that no foreign national or supranational flag shall be publicly displayed unless it is accompanied by the flag of the United States; to the Committee on the Judiciary.

H. J. Res. 57. Joint resolution proposing an amendment to the Constitution of the United States relative to the effect of treaties and international agreements upon the civil and property rights of citizens of the United States; to the Committee on the Judiciary.

H. J. Res. 58. Joint resolution designating the first Sunday of June of each year as National Teachers Day; to the Committee on the Judiciary.

H. J. Res. 59. Joint resolution providing for a study and investigation of the grade classification and salary scale of certain employees in the postal field service; to the Committee on Post Office and Civil Service.

By Mr. MACK of Washington:

H. J. Res. 60. Joint resolution confirming and establishing the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. MASON:

H. J. Res. 61. Joint resolution proposing an amendment to the Constitution of the United States relative to taxes on incomes, inheritances, and gifts; to the Committee on the Judiciary.

H. J. Res. 62. Joint resolution proposing an amendment to the Constitution of the United States limiting the taxing and spending powers of the Congress; to the Committee on the Judiciary.

H. J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

By Mr. MILLS:

H. J. Res. 64. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H. J. Res. 65. Joint resolution proposing an amendment to the Constitution of the United States relative to the making of treaties; to the Committee on the Judiciary.

H. J. Res. 66. Joint resolution providing for the appropriate commemoration of the one hundred and fiftieth anniversary of the

1950, of certain powers, relating to preferences or priorities in the transportation of traffic, under sections 1 (15) and 420 of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. ZABLOCKI:

H. R. 2348. A bill to authorize the construction of a new general medical-surgical hospital at the Veterans' Administration Center, Wood, Wis., and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROOKS of Louisiana:

H. J. Res. 153. Joint resolution abrogating Executive Order No. 10426, dated January 16, 1953, relating to submerged lands of the Continental Shelf; to the Committee on the Judiciary.

By Mr. CARRIGG:

H. J. Res. 154. Joint resolution authorizing the issuance of a special series of stamps commemorating the one hundred and twenty-fifth anniversary of the founding of the first uniformed civilian police department on or about June 19, 1828; to the Committee on Post Office and Civil Service.

H. J. Res. 155. Joint resolution authorizing the issuance of a special series of stamps commemorating the first trial run of a steam locomotive, the Stourbridge Lion, in the Western Hemisphere on August 8, 1829, at Honesdale, Pa; to the Committee on Post Office and Civil Service.

By Mr. COLE of New York:

H. J. Res. 156. Joint resolution declaring Inauguration Day to be a legal holiday; to the Committee on the Judiciary.

By Mr. DEVEREUX:

H. J. Res. 157. Joint resolution amending the act of July 1, 1947 (61 Stat. 242), as amended; to the Committee on House Administration.

By Mr. HOLMES:

H. J. Res. 158. Joint resolution designating the lake to be formed by the McNary lock and dam in the Columbia River, Oreg. and Wash., at Lake Wallula; to the Committee on Public Works.

By Mr. TRIMBLE:

H. J. Res. 159. Joint resolution proposing an amendment to the Constitution relating to the selection of the successors of the President, Vice President, or Members of Congress who become unable to perform their duties; to the Committee on the Judiciary.

By Mr. WOLCOTT:

H. J. Res. 160. Joint resolution amending section 2 (a) of the National Housing Act, as amended; to the Committee on Banking and Currency.

By Mr. FINO:

H. Con. Res. 27. Concurrent resolution expressing the sense of the Congress with respect to the admission of new members to the United Nations; to the Committee on Foreign Affairs.

By Mr. SMITH of Virginia:

H. Con. Res. 28. Concurrent resolution commemorating the three-hundredth anniversary of the formation of Westmoreland County, Va.; to the Committee on the Judiciary.

By Mr. HOFFMAN of Michigan:

H. Res. 121. Resolution inquiring as to whether the Korean "Operation Smack" was a military attack or publicity or cold-war operation; to the Committee on Armed Services.

By Mr. HELLER:

H. Res. 122. Resolution creating a select committee to conduct an investigation and study of Communist activities among merchant seamen and their unions and Communist infiltrations into transportation industries; to the Committee on Rules.

By Mr. KEAN:

H. Res. 123. Resolution providing funds for the expenses of the investigation and study authorized by House Resolution 91; to the Committee on House Administration.

By Mr. McCORMACK:

H. Res. 124. Resolution providing for the unity of Ireland; to the Committee on Foreign Affairs.

By Mr. SHORT:

H. Res. 125. Resolution authorizing and directing the Committee on Armed Services to conduct thorough studies and investigations relating to matters coming within the jurisdiction of such committee under clause 3 of rule XI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. WOLVERTON:

H. Res. 126. Resolution directing the Committee on Interstate and Foreign Commerce to investigate actual and contemplated action affecting production or consumption of newsprint; to the Committee on Rules.

H. Res. 127. Resolution authorizing the Committee on Interstate and Foreign Commerce to conduct investigations and studies with respect to matters within its jurisdiction; to the Committee on Rules.

H. Res. 128. Resolution providing funds for the investigations and studies made by the Committee on Interstate and Foreign Commerce pursuant to House Resolution 127; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H. R. 2349. A bill for the relief of Luis De La Vega Villarruel; to the Committee on the Judiciary.

H. R. 2350. A bill for the relief of Leopoldo Gonzalez-Garcia; to the Committee on the Judiciary.

By Mr. ALLEN of California:

H. R. 2351. A bill for the relief of Sam Rosenblat; to the Committee on the Judiciary.

By Mr. BATES (by request):

H. R. 2352. A bill for the relief of Rita (Keskula) Vigla; to the Committee on the Judiciary.

By Mr. BROOKS of Texas:

H. R. 2353. A bill for the relief of Ema Shelome Lawter; to the Committee on the Judiciary.

By Mr. BRYSON:

H. R. 2354. A bill for the relief of Evoggelos Mpompotsis; to the Committee on the Judiciary.

H. R. 2355. A bill for the relief of Emilie Fingerlin; to the Committee on the Judiciary.

H. R. 2356. A bill for the relief of Kim Ull Sunnie; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H. R. 2357. A bill for the relief of Vitus Johannes De Vries and his wife, Antonie Paula Else De Vries; to the Committee on the Judiciary.

By Mr. BUSBEY:

H. R. 2358. A bill for the relief of Dr. Vahram Uluhogian; to the Committee on the Judiciary.

H. R. 2359. A bill for the relief of Joseph Veich, also known as Guiseppe Veic; to the Committee on the Judiciary.

By Mr. CHENOWETH:

H. R. 2360. A bill for the relief of Lenda Smith; to the Committee on the Judiciary.

By Mr. CURTIS of Missouri:

H. R. 2361. A bill for the relief of Yee Kee Lam; to the Committee on the Judiciary.

By Mr. DAVIS of Wisconsin:

H. R. 2362. A bill for the relief of Mrs. Harriet Sakayo Hamamoto Dewa; to the Committee on the Judiciary.

By Mr. DEROUNIAN:

H. R. 2363. A bill for the relief of David H. Andrews and Joseph T. Fetsch; to the Committee on the Judiciary.

By Mr. D'EWART:

H. R. 2364. A bill to terminate restrictions against alienation on land owned by William Lynn Engles and Maureen Edna Engles; to the Committee on Interior and Insular Affairs.

By Mr. DORN of New York:

H. R. 2365. A bill for the relief of Dwejra Shaffer and daughter, Haya Shaffer; to the Committee on the Judiciary.

By Mr. ENGLE:

H. R. 2366. A bill for the relief of Fred B. Niswonger; to the Committee on the Judiciary.

By Mr. FERNANDEZ:

H. R. 2367. A bill for the relief of Aoun Louis Rachid Habib; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H. R. 2368. A bill for the relief of Richard E. Rughaase; to the Committee on the Judiciary.

By Mr. GOLDEN:

H. R. 2369. A bill for the relief of Mary Muraki, the adopted daughter of Staff Sgt. and Mrs. Vernon Cornett; to the Committee on the Judiciary.

By Mr. GORDON:

H. R. 2370. A bill for the relief of Jan Srodulski; to the Committee on the Judiciary.

By Mr. HAYS of Arkansas:

H. R. 2371. A bill for the relief of Mrs. Maria M. Broix; to the Committee on the Judiciary.

By Mr. HELLER:

H. R. 2372. A bill for the relief of Leib Chaim Perl (Leb Chaim Perl); to the Committee on the Judiciary.

H. R. 2373. A bill for the relief of Joseph Feldinger; to the Committee on the Judiciary.

By Mr. HESELTON:

H. R. 2374. A bill for the relief of Casimir Krzyzanowski; to the Committee on the Judiciary.

H. R. 2375. A bill for the relief of You Soo; to the Committee on the Judiciary.

By Mr. HILLINGS:

H. R. 2376. A bill for the relief of Gilbert Hagishima Satchio; to the Committee on the Judiciary.

By Mr. HOLTZMAN:

H. R. 2377. A bill for the relief of Aba Szejnbejm, Mrs. Dvora Szejnbejm, Shlomo Szejnbejm, and Daniel Szejnbejm; to the Committee on the Judiciary.

By Mr. HORAN:

H. R. 2378. A bill for the relief of John H. Miller; to the Committee on the Judiciary.

By Mr. JACKSON:

H. R. 2379. A bill for the relief of the estate of Robert J. Needham, deceased; to the Committee on the Judiciary.

By Mr. KERSTEN of Wisconsin:

H. R. 2380. A bill for the relief of Remus Tzincoca; to the Committee on the Judiciary.

By Mr. KILDAY:

H. R. 2381. A bill for the relief of Winifred A. Hunter; to the Committee on the Judiciary.

By Mr. KING of California:

H. R. 2382. A bill for the relief of Panagiotis Demetrios Zeras; to the Committee on the Judiciary.

H. R. 2383. A bill for the relief of Michio Sasaki; to the Committee on the Judiciary.

By Mr. KLEIN:

H. R. 2384. A bill for the relief of Angelo Spinelli; to the Committee on the Judiciary.

H. R. 2385. A bill for the relief of Giuseppe Fruscione; to the Committee on the Judiciary.

By Mr. CONDON:

H. R. 3158. A bill to authorize the Secretary of the Interior to transfer the operation and maintenance of the Central Valley project, California, to the State of California or an agency thereof; to the Committee on Interior and Insular Affairs.

By Mr. CRETELLA:

H. R. 3159. A bill to amend section 1715 of title 18, United States Code, to permit the transmission of firearms in the mails to or from persons or concerns having lawful use for them in connection with their businesses or their official duties, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CUNNINGHAM:

H. R. 3160. A bill to amend the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.); to the Committee on Armed Services.

H. R. 3161. A bill relating to the discharge status of members and former members of the Army Air Force Enlisted Reserve Corps who have participated in the Civil Aeronautics Administration war-training-service program; to the Committee on Armed Services.

By Mr. CURTIS of Nebraska:

H. R. 3162. A bill to carry out the recommendations of the United States Tariff Commission with respect to duty concessions on Swiss watch movements; to the Committee on Ways and Means.

H. R. 3163. A bill to reserve to certain State and Territorial agencies and tribunals the authority to exercise jurisdiction over labor disputes involving public utilities; to the Committee on Education and Labor.

H. R. 3164. A bill to provide for refund of the Federal tax paid on gasoline, where the gasoline is destroyed by fire or other casualty while held for resale by a jobber, wholesaler, or retail dealer; to the Committee on Ways and Means.

By Mr. DOLLINGER:

H. R. 3165. A bill to amend section 23 (k) (4) of the Internal Revenue Code; to the Committee on Ways and Means.

H. R. 3166. A bill to provide for the naturalization of persons serving in the Armed Forces of the United States after June 24, 1950; to the Committee on the Judiciary.

By Mr. ELLIOTT:

H. R. 3167. A bill to amend the Veterans' Readjustment Assistance Act of 1952 to eliminate the requirement that education and training allowances payable to veterans pursuing institutional on-farm training under that act be periodically reduced; to the Committee on Veterans' Affairs.

H. R. 3168. A bill to facilitate the development, management, and use of public use areas and facilities and improvement of wildlife habitat on the national forests, and for other purposes; to the Committee on Agriculture.

H. R. 3169. A bill to establish quota limitations on imports of foreign residual fuel oil; to the Committee on Ways and Means.

By Mr. HARRIS:

H. R. 3170. A bill to prevent Federal dam and reservoir projects from interfering with sustained-yield timber operations; to the Committee on Public Works.

H. R. 3171. A bill to extend the duration of the Hospital Survey and Construction Act (title VI of the Public Health Service Act); to the Committee on Interstate and Foreign Commerce.

By Mr. HELLER:

H. R. 3172. A bill to amend title 18 of the United States Code to provide protection against vandalism committed on account of racial or religious prejudice; to the Committee on the Judiciary.

H. R. 3173. A bill outlawing the poll tax as a condition of voting in any primary or other election for national officers; to the Committee on House Administration.

By Mr. HIESTAND:

H. R. 3174. A bill to amend section 32 of the Trading With the Enemy Act of 1917, as amended, so as to permit the return under such section of amounts payable to aliens under trust funds created by American citizens; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLINGS:

H. R. 3175. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. KELLEY of Pennsylvania:

H. R. 3176. A bill to establish quota limitations on imports of foreign residual fuel oil; to the Committee on Ways and Means.

H. R. 3177. A bill to establish the Federal Agency for handicapped, to define its duties, and for other purposes; to the Committee on Education and Labor.

By Mr. JOHNSON:

H. R. 3178. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural recourses within such lands and waters, and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. LOVRE:

H. R. 3179. A bill to continue through December 31, 1957, the existing method of computing parity prices for basic agricultural commodities; to the Committee on Agriculture.

By Mr. McMILLAN:

H. R. 3180. A bill to provide for the exemption from taxation of certain tangible personal property; to the Committee on the District of Columbia.

By Mr. MACK of Illinois:

H. R. 3181. A bill to provide for the issuance of a special postage stamp in commemoration of the 50th anniversary of the Wright Brothers' flight at Kitty Hawk, N. C.; to the Committee on Post Office and Civil Service.

By Mr. MILLER of Nebraska:

H. R. 3182. A bill to establish a Department of Public Health and Welfare in accordance with recommendations of the Commission on Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. MILLS:

H. R. 3183. A bill to establish a temporary National Commission on Intergovernmental Relations; to the Committee on Government Operations.

By Mr. MULTER:

H. R. 3184. A bill to aid in controlling inflation, and for other purposes; to the Committee on Banking and Currency.

By Mr. NEAL:

H. R. 3185. A bill to establish quota limitations on imports of foreign residual fuel oil; to the Committee on Ways and Means.

By Mr. OAKMAN:

H. R. 3186. A bill to repeal the manufacturers' excise taxes on automobiles and trucks and parts and accessories therefor, and on tires and tubes; to the Committee on Ways and Means.

By Mr. PATTEN:

H. R. 3187. A bill to provide for the administration and discipline of the National Security Training Corps, and for other purposes; to the Committee on Armed Services.

By Mr. PERKINS:

H. R. 3188. A bill to establish the Federal Agency for Handicapped, to define its duties, and for other purposes; to the Committee on Education and Labor.

By Mr. ROGERS of Florida:

H. R. 3189. A bill to amend the Communications Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. ROOSEVELT:

H. R. 3190. A bill to provide that licenses granted by the Federal Power Commission for power projects in the international section of the St. Lawrence River shall be conditioned so as to assure marketing preferences to public agencies and cooperatives; to the Committee on Interstate and Foreign Commerce.

By Mr. SCUDDER:

H. R. 3191. A bill conferring jurisdiction on the United States District Court for the Northern District of California to hear, determine, and render judgment upon certain claims of the State of California; to the Committee on the Judiciary.

By Mr. SHEEHAN:

H. R. 3192. A bill to authorize the State of Illinois and the Sanitary District of Chicago, under the direction of the Secretary of the Army, to help control the lake level of Lake Michigan by diverting water from Lake Michigan into the Illinois waterway; to the Committee on Public Works.

By Mr. HOFFMAN of Illinois:

H. R. 3193. A bill to authorize the State of Illinois and the Sanitary District of Chicago, under the direction of the Secretary of the Army, to help control the lake level of Lake Michigan by diverting water from Lake Michigan into the Illinois waterway; to the Committee on Public Works.

By Mr. BUSBEY:

H. R. 3194. A bill to authorize the State of Illinois and the Sanitary District of Chicago, under the direction of the Secretary of the Army, to help control the lake level of Lake Michigan by diverting water from Lake Michigan into the Illinois waterway; to the Committee on Public Works.

By Mr. McVEY:

H. R. 3195. A bill to authorized the State of Illinois and the Sanitary District of Chicago, under the direction of the Secretary of the Army, to help control the lake level of Lake Michigan by diverting water from Lake Michigan into the Illinois waterway; to the Committee on Public Works.

By Mrs. CHURCH:

H. R. 3196. A bill to authorize the State of Illinois and the Sanitary District of Chicago, under the direction of the Secretary of the Army, to help control the lake level of Lake Michigan by diverting water from Lake Michigan into the Illinois waterway; to the Committee on Public Works.

By Mr. JONAS of Illinois:

H. R. 3197. A bill to authorize the State of Illinois and the Sanitary District of Chicago, under the direction of the Secretary of the Army, to help control the lake level of Lake Michigan by diverting water from Lake Michigan into the Illinois waterway; to the Committee on Public Works.

By Mr. SMITH of Mississippi:

H. R. 3198. A bill to amend Public Law 23, 82d Congress, April 25, 1951, to authorize payment of United States Government life insurance or national service life insurance, in addition to the $10,000 indemnity provided under said act; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Louisiana:

H. R. 3199. A bill to amend the Public Buildings Act of 1949 to authorize the Administrator of General Services to enter into lease-purchase agreements to provide for the lease to the United States of real property and structures for terms of more than 5 years but not in excess of 25 years and for acquisition of title to such properties and structures by the United States at or before the expiration of the lease terms, and for other purposes; to the Committee on Public Works.

By Miss THOMPSON of Michigan:

H. R. 3200. A bill to amend section 612 (b) of World War Adjusted Compensation Act, as amended; to the Committee on Ways and Means.

H. R. 3201. A bill to provide emergency relief for certain natives of the Netherlands and for other purposes; to the Committee on the Judiciary.

By Mr. WICKERSHAM:

H. R. 3202. A bill to increase the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemption for old age or blindness) from

580. A letter from the Chairman, Federal Trade Commission, transmitting a draft of proposed legislation entitled, "A bill to amend an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914 (38 Stat. 730), as amended"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of March 23, 1953, the following bills were reported on March 24, 1953:

Mr. REED of Illinois: Committee on the Judiciary. House Joint Resolution 226. Joint resolution to extend until July 1, 1953, the time limitation upon the effectiveness of certain statutory provisions which but for such time limitation would be in effect until 6 months after the termination of the national emergency proclaimed on December 16, 1950; without amendment (Rept. No. 202). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHORT: Committee on Armed Services. H. R. 4130. A bill to amend title V of the Department of Defense Appropriation Act, 1953, so as to permit the continued use of appropriations thereunder to make payments to ARO, Inc., for operation of the Arnold Engineering Development Center after March 31, 1953; without amendment (Rept. No. 203). Referred to the Committee of the Whole House on the State of the Union.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 185. Resolution for consideration of H. R. 3780, a bill to continue the effectiveness of the Missing Persons Act, as amended and extended, until July 1, 1954; without amendment (Rept. No. 204). Referred to the House Calendar.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 186. Resolution for consideration of H. R. 3853, a bill to amend title 18, United States Code, entitled "Crimes and Criminal Procedure," with respect to continuing the effectiveness of certain statutory provisions until 6 months after the termination of the national emergency proclaimed by the President on December 16, 1950; without amendment (Rept. No. 205). Referred to the House Calendar.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 187. Resolution for consideration of H. R. 4130, a bill to amend title V of the Department of Defense Appropriation Act, 1953, so as to permit the continued use of appropriations thereunder to make payments to ARO, Inc., for operation of the Arnold Engineering Development Center after March 31, 1953; without amendment (Rept. No. 206). Referred to the House Calendar.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 188. Resolution for consideration of House Joint Resolution 226, joint resolution to extend until July 1, 1953, the time limitation upon the effectiveness of certain statutory provisions which but for such time limitation would be in effect until 6 months after the termination of the national emergency proclaimed on December 16, 1950; without amendment (Rept. No. 207). Referred to the House Calendar.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 89. Resolution to authorize the Committee on Interior and Insular Affairs to conduct an investigation of the Bureau of Indian Affairs; with amendment (Rept. No. 208). Referred to the House Calendar.

[*Submitted March 25, 1953*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. DONDERO: Committee on Public Works. House Joint Resolution 229. Joint resolution authorizing the Architect of the Capitol to permit certain temporary construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto; without amendment (Rept. No. 209). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOLVERTON: Committee on Interstate and Foreign Commerce. H. R. 2347. A bill to permit continued exercise, until 6 months after termination of the national emergency proclaimed December 16, 1950, of certain powers, relating to preferences or priorities in the transportation of traffic, under sections 1 (15) and 420 of the Interstate Commerce Act; without amendment (Rept. No. 214). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRAHAM: Committee on the Judiciary. H. R. 1752. A bill for the relief of William Robert DeGrafft; with amendment (Rept. No. 210). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1888. A bill for the relief of Gary Matthew Stevens (Kazuo Omiya); without amendment (Rept. No. 211). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1952. A bill for the relief of Cecile Lorraine Vincent; with amendment (Rept. No. 212). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 2176. A bill for the relief of Norma Jean Whitten; without amendment (Rept. No. 213). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRAHAM:

H. R. 4198. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf; to the Committee on the Judiciary.

By Mr. MEADER:

H. R. 4199. A bill to establish a Commission on Overseas Investment and Trade; to the Committee on Foreign Affairs.

By Mr. BUDGE:

H. R. 4200. A bill to provide that time spent as a civilian internee during World War II shall be considered as active service in determining priority for induction into the Armed Forces of medical, dental, and allied specialists; to the Committee on Armed Services.

H. R. 4201. A bill relating to the labeling of packages containing foreign-produced trout sold in the United States, and requiring certain information to appear on the menus of public eating places serving such trout; to the Committee on Interstate and Foreign Commerce.

By Mr. COLE of New York:

H. R. 4202. A bill to amend section 2 of the Missing Persons Act, so as to provide that benefits thereunder shall be available to certain members of the Philippine Scouts; to the Committee on Armed Services.

By Mr. DORN of South Carolina:

H. R. 4203. A bill to amend the Social Security Act to provide that, for the purpose of old-age and survivors insurance benefits, retirement age shall be 60 years; to the Committee on Ways and Means.

By MR. ELLSWORTH:

H. R. 4204. A bill to amend section 22 of the Agricultural Adjustment Act, to strengthen its provisions providing for the imposition of import quotas on agricultural commodities when imports of such commodities tend to interfere with price support or other programs administered by the Department of Agriculture, to transfer its administration to the United States Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. ENGLE:

H. R. 4205. A bill to authorize works for development and furnishing of water supplies for waterfowl management, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FORAND:

H. R. 4206. A bill to allow widows, widowers, heads of household and certain other persons to deduct for income-tax purposes amounts paid in providing for the care of children and other dependents under certain circumstances; to the Committee on Ways and Means.

By Mr. GUBSER:

H. R. 4207. A bill to authorize works for development and furnishing of water supplies for waterfowl management, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HALE:

H. R. 4208. A bill to abolish the action for alienation of affections in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HELLER:

H. R. 4209. A bill to provide that the Navy shall continue to maintain a clothing factory at Brooklyn, N. Y.; to the Committee on Armed Services.

H. R. 4210. A bill to exempt admissions to moving-picture theaters from the Federal tax on admissions; to the Committee on Ways and Means.

By Mr. HILL:

H. R. 4211. A bill to amend the Federal Crop Insurance Act, as amended; to the Committee on Agriculture.

By Mr. HOWELL:

H. R. 4212. A bill to establish a Federal Committee on Migratory Labor; to the Committee on Education and Labor.

By Mr. HUNTER:

H. R. 4213. A bill to authorize works for development and furnishing of water supplies for waterfowl management, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON:

H. R. 4214. A bill to continue the effect of the statutory provisions relating to the deposit of savings for members of the Army and Air Force, and for other purposes; to the Committee on Armed Services.

By Mr. KELLEY of Pennsylvania:

H. R. 4215. A bill to amend the Social Security Act to provide that the Federal Security Administrator shall, under certain circumstances, disclose the current address of husbands and parents who have deserted their families, and for other purposes; to the Committee on Ways and Means.

By Mr. LANE:

H. R. 4216. A bill to provide for the arrangement of the stars in the union of the flag after the admission of the 49th State; to the Committee on the Judiciary.

Stephen J. Field, Craftsman of the Law, by Carl B. Swisher (1930).

Proctor's Washington, by John Clagett Proctor (1949).

Captains and Mariners of Early Maryland, by Raphael Semmes (1937).

Equal Rights, volume XIV, pages 153, 157, 163, 231, 371 (1928).

Final Report of the United States Supreme Court Building Commission, Senate Document No. 88 (76th Cong., 1st sess. (1939)).

In Civil War days, John Hitz, the first Swiss consul general to the United States, and great-grandfather of Justice Harold Hitz Burton, and of J. Edgar Hoover, Director of the Federal Bureau of Investigation, maintained his home and his consulate at 29 A Street SE., within what is now the Capitol Plaza, opposite the Congressional Library. At his death in 1864 President Lincoln and Secretary of State Seward attended his funeral services at that residence.

THE SUBMERGED LANDS CONTROVERSY

The SPEAKER. Under the previous order of the House, the gentleman from California [Mr. HOSMER] is recognized for 20 minutes.

Mr. HOSMER. Mr. Speaker, this House is on the eve of considering the submerged lands controversy once again.

Before the debate and before the air becomes fogged with the bitterness, misinformation, and exaggerations invariably generated by this topic, I would like to lay before my colleagues for their calm consideration some of the facts related to this issue—facts vital to its determination.

So there may be no question as to my motives, let me say that I represent the 18th Congressional District of California. Within the limits of that district lies the city of Long Beach, my home.

This city presently has hundreds of millions of dollars at stake in the action of this body respecting the submerged lands. Its future stake can best be illustrated by stating that, at the present time, untapped oil resources in the submerged lands within the city's boundaries are estimated at four times the present assessed valuation of the entire city. So, both as a citizen of Long Beach and as its representative in Congress, I have a definite and close interest in the controversy.

However, as an American citizen, in common with each and every other of my fellow Americans, I have an even more particular and vital interest in it, namely: Is my National Government to continue in the historic American tradition of functioning as a government of delegated powers, reserving and preserving to the State and local governments all those functions which adequately can be discharged at these levels, closer and more responsive to the will of the people, or are we to propel ourselves down the road of centralization of powers in a few hands—hands very remote from our citizens. This road, traveled by other nations, has led to deprivation of individual liberty, slavery to an all-powerful state, dictatorship, desperation, and despair.

For in truth and in fact, the submerged lands controversy, stripped to its essence and bared of extraneous and irrelevant attributes sought to be attached to it—to confuse and sugar coat it—is no more than another attempt by the advocates of big, powerful, all-consuming, centralized Federal Government to move toward that tragic goal.

I truly believe that many well-meaning people have been taken in and duped by the big-government advocates. It is my purpose to state the issue in its true perspective, now, while the atmosphere still is clear and unturbulent. I shall explain the background of the controversy and answer some of the false charges and misleading propaganda that advocates of Federal control of the submerged lands have spread.

Here are the facts back of this controversy:

The colonial charters, of what later became the Thirteen Original States, granted those colonies not only the land and the waters thereon, but also the sea for a distance ranging from 3 miles to 20 leagues, about 60 miles. When these colonies formed the United States of America, their seaward boundaries became fixed at 3 miles. Later, as new States were created out of the wild lands of the West, they were admitted into the Union on an equal footing—in all respects—with the original States.

The seaward boundaries of coastal States were fixed at the 3-mile limit, except in the case of Texas and the west coast of Florida, where the seaward boundary was 3 marine leagues, or about 10½ miles.

The unsettled territory of most of these States, however, was recognized as Federal and became the public domain, over which the States had jurisdictional sovereignty, but not title. It is important to remember this point, namely, there has never been a question that actual, legal title to lands regarded as within the public domain rests in the Federal Government, and that such title was derived directly from the British sovereign on the declaration of our independence.

The Federal Government did not specifically lay claim to the navigable streams and lakes, the harbors, and the tidelands and ocean outside the 3-mile limit. It is important to remember these additional points: First, the title to these was generally recognized as belonging to the States, as derived from the British sovereign; second, this title was subject only to the regulation of navigation by the Federal Government, a power also derived from the previous sovereign.

Instances have occurred in the past where claim was made that these submerged lands were a part of the public domain and therefore belonged to the Federal Government. However, no less than 52 decisions of the United States Supreme Court, dating as far back as 1844, have involved State ownership of filled lands made from tidal swamps and shallow water along the coast—each and every one of these decisions upheld ownership in these lands by the States.

That is the way things stood in 1936. Oil had been discovered some years before under the submerged lands of southern California. It was being produced in ever-increasing quantities under leases from the State. These leases, under the carefully drawn model resource conservation statutes of the State of California, provided a high royalty return to the people of California.

Some individuals and companies, failing to get State leases and well aware of the much reduced 12½ percent royalty provisions of oil leases issued by the Federal Government, had made application for Federal leases on the basis that the submerged lands were owned by the Federal Government. In every case, their applications were rejected.

Mr. Harold Ickes, then Secretary of the Interior, ruled in 1933 that such claims must be rejected. He cited one of these 52 United States Supreme Court decisions, stating:

> Such title to the shore and lands under water is regarded as incidental to the sovereignty of the States * * * and cannot be retained or granted out to individuals by the United States.

Suddenly in 1936, however, Mr. Ickes changed his mind. On January 16 of that year, a Mr. C. A. Weigel filed an application for a Federal oil lease on an under-water oil field, located at Huntington Beach, Calif., which was already operating under the State lease. Mr. Ickes reversed the long-settled policy of the Interior Department and allowed this and other subsequent applications to stand open in his files. Why did Mr. Ickes change his mind? Why did he suddenly choose to ignore these 52 United States Supreme Court decisions?

His only answer was that he had "made a mistake" when he ruled that the States held title to these lands.

Of course, when Mr. Ickes' "change of mind" was announced, applications for other Federal leases to tidelands began to pour in. None of these lease applications was granted, but Mr. Ickes began urging legislative or judicial action to declare the oil-bearing submerged lands to be Federal property.

In April 1937 a bill was introduced in the Senate for this purpose. A similar Senate joint resolution passed the Senate that year and was reported out by the House Judiciary Committee in 1938. However, it died with the end of the 75th Congress. Similar legislation was introduced in the 76th Congress in 1939. By this time the people of the coastal States had become awakened to the fact that more than oil under the submerged lands was involved. They recognized that such legislation would cloud the titles to all filled lands and their improvements along the coasts, the inland lakes, and the navigable streams of any State. As a consequence, legislation was introduced not to fix title in the Federal Government but to affirm titles of submerged coastal lands and inland navigable waterways to the States.

Such legislation gained momentum in each following Congress. It had the backing of the attorneys general of 46 States. This legislation finally passed both Houses of Congress in 1946, but was vetoed by Mr. Truman.

However, while this State-ownership legislation was pending before the Congress—and it had a good chance of passage—the Federal-control advocates succeeded in getting the Department of Justice to step in and prop up Mr. Ickes'

claims. In 1945 former Attorney General Biddle caused a suit to be filed in the Federal District Court of Southern California against an oil company operating off the California coast under State lease, claiming the lands on behalf of the Federal Government.

This suit was later dropped and a new suit was initiated against the State of California and carried directly to the United States Supreme Court. This new suit claimed that all persons who held title or leases from the State of California on submerged lands were trespassers against the rights of the United States.

The Supreme Court's decision in the California tidelands case, handed down on June 23, 1947, was a most astonishing one. In a 6 to 2 opinion, the Court ruled—despite 52 precedents—that the question of ownership of the submerged coastal lands out to the 3-mile limit had never been previously settled and that California did not own these lands. The decision did not say, however, that the Federal Government owned the submerged lands, but that, because of the needs for national defense, it had paramount rights and dominion over them. The ruling left the door open for Congress to decide the actual ownership.

Similar original United States Supreme Court suits were immediately brought against Texas and Louisiana, where development of oil and gas under State leases had already begun beneath the shadow waters of the Gulf of Mexico, both within the State boundaries and in the Continental Shelf beyond. The Texas and Louisiana decisions were handed down in 1950 and were similar to the California decision.

The production of oil and gas off the California coast has continued under a series of stipulations between the State and Federal Governments, the proceeds being impounded until the question of ownership is settled. But the Texas and Louisiana decisions completely stopped the further development of oil and gas deposits off those coasts at a time when the oil was badly needed for domestic and defense purposes.

The 82d Congress saw a rash of tidelands legislation—some for Federal ownership, some for State ownership, and some to allow interim oil and gas development pending final settlement of the ownership. This House, in July 1951, passed by 265 to 109, a bill to confirm and establish State titles to submerged lands within the State's historic boundaries and to confirm Federal ownership of the Continental Shelf with Federal leasing of its oil deposits.

The Senate, in 1952, passed with a much smaller majority, a bill establishing the State's title to the submerged lands within their boundaries, but not touching on the ownership of the Continental Shelf. The House accepted this bill, but again Mr. Truman vetoed it.

Tidelands bills of all sorts have been introduced during this 83d Congress. A bill known as the Graham bill has been carefully drafted by the Judiciary Committee. It meticulously protects the proper provinces of the Federal Government, while confirming the ownership of the States in these submarginal lands. I hope my colleagues will swiftly make it law.

Before leaving the historical background phases of the controversy, however, I must point out that the doctrine of Federal "paramount rights" and "dominion," enunciated in the Supreme Court's California tidelands decision, has implications far beyond control of the submerged lands and the valuable oil deposits under them. If the Federal Government, because of the needs of national defense, can claim the submerged coastal lands on these grounds, it could, on the same basis, expropriate any other lands or natural resources within our country. This is a dangerous concept and will not be remedied by State-ownership legislation. It will, and must be, our constant duty to insure that the doctrine is never perverted to the derogation of our liberties.

Now, I would like to turn to a few of the many false charges and the misleading propaganda spread by the advocates of Federal ownership, and analyze them with you to determine their merit.

Take, for instance, the charge that "the oil lobby is behind the drive for State ownership of submerged lands." Let us see what the true fact is:

The true fact is that the so-called oil lobby has supported not State ownership, but has supported the very legislation sought by the Truman administration to establish Federal control. In testimony before the Senate Interior and Insular Affairs Committee, during the 1951 submerged-lands hearings, oil-industry representatives endorsed the O'Mahoney-Anderson bill, providing for permanent Federal control. Mr. Truman urged the passage of this measure, in his veto message on the Holland bill in 1952.

The drive for State-ownership legislation has come from the States themselves and their political subdivisions—not from any oil lobby. Since 1938, a total of 205 State and local officials have gone on record with the committees of Congress urging passage of the State-ownership legislation. Included in these endorsers of State ownership were 45 individual Governors and 74 different State attorneys general. Major support for State ownership has come from a great many respected national organizations, such as the National Association of Attorneys General, the American Bar Association, the American Association of Port Authorities, and the American Municipal Association, which represents 10,150 municipalities throughout our land.

Now take a look at another false charge—that the word "tidelands" has been used by State-ownership advocates to deceive the people. The truth is that State and local representatives have never claimed that tidelands in the strict sense—that is, the part of the seashore washed by the ebb and flow of the tide—is involved. The States' representatives properly described the issue as affecting submerged lands. Newspaper practice of using labels for issues has resulted in the common reference of the submerged-lands dispute as the tidelands matter. This approach by Federal-control advocates simply demonstrates and exemplifies the ingenuity of their efforts to confuse this issue in the minds of the American people.

Next let us see what the truth is of the false charge by Federal-control advocates that the Supreme Court has never held that the States own these lands. The truth is that State ownership of the submerged lands was affirmed by the Supreme Court of the United States 52 times and by the lower Federal and State courts 244 times prior to the astounding decision in the California case. Even in that decision the Supreme Court admitted that many times it "used language strong enough to indicate that it then believed the States not only owned tidelands and the soil under inland navigable waters but also owned soil under all navigable waters within their territorial jurisdiction, whether inland or not."

Even Secretary of the Interior Harold Ickes in 1933 stated that settled law was as follows:

> Title to the soil underneath the ocean within the 3-mile limit is in the State of California and the land may not be appropriated except by the authority of the State.

My colleagues, it was only after oil was discovered in large quantities that the Federal Government changed its position and tried to confiscate these lands.

Again, advocates of Federal ownership have attempted to lull the American people into a false feeling of security by spreading the misconception that the title of the States to lands beneath inland navigable waters is not endangered by the Federal-ownership doctrine. The contrary is true. The very brief filed by the Federal Government in the suit against California attacked as "unsound" and "erroneous" the rule that States owned the lands beneath their inland navigable waterways. In the California decision the Court itself said California had only a "qualified ownership" of such lands.

Further, the Supreme Court has held that the Great Lakes are open seas, governed by the same rules of law as lands under tidewaters on the borders of the sea.

Federal officials may promise that they would never attempt to confiscate lands beneath inland navigable waterways, but the Supreme Court has ruled that such acts cannot bind the Federal Government. What credence can be given such promises boldly made at the very time the Federal Government completely reversed its position on State ownership to take away the coastal submerged lands of the States?

Next, I want to examine for you the argument that the Federal Government must take over this oil for national defense. Let us remember that this Government of ours is a government of the people, by the people, and for the people; and that not only is the sanctity of the individual guaranteed by the Constitution, but also the sanctity of his rights to his property. It is a revolutionary doctrine to say that the Federal Government can confiscate resources necessary to national defense. The Constitution permits the Federal Government to condemn the property it needs, but requires that just compensation be paid the owner. The wisdom of the Founding

Fathers did not give it the power to confiscate State or privately owned property for any purpose.

The claim that this oil will be available for national defense only if the Federal Government owns it is pure and simple nonsense. It has been under State ownership and control that the oil was discovered, developed, and made available to the people and the Government of our land. I challenge anyone to show me one single instance where one single barrel of oil has been denied the Federal Government from the submerged lands.

But if that not be enough to dispel any belief that the Federal Government must take this oil for national defense, let me say this: That in June 1952, in the Senate Judiciary Committee hearings, the Interior Department and the General Services Administration even stated that they planned to declare these submerged lands surplus to the needs of any Federal agencies.

Just prior to his election, President Eisenhower, in October 1952, stated that State ownership would in no way interfere with the national defense needs. And I call upon my colleagues on both sides of the aisle, who have so profusely spread their admiration and support for the President of the United States of America in the pages of the CONGRESSIONAL RECORD—to match their words with deeds and heed our President's recommendations and desires with respect to this very important issue.

Next, what is there to the charge that only three selfish States are involved in this submerged lands controversy? It is plainly and simply another attempt to obscure the true facts that all 48 States are involved. It is true that only three States, California, Texas, and Louisiana, have been sued. But the Interior Department has attempted to seize the coastal submerged lands in Washington, Mississippi, Alabama, and Florida—without even suing them. Further, Mr. Truman's executive order, allegedly creating a naval petroleum reserve—if it has any legal force or effect whatsoever—applies to the submerged lands of all 21 coastal States, not just California, Texas, and Louisiana.

The strange and dangerous doctrine of paramount rights, by which the Federal Government has attempted to seize these submerged lands, is so revolutionary and so far-reaching that the sovereignty and the property rights of all 48 States are threatened. Even the constitutional protection guaranteed to private property is endangered. All natural resources everywhere could be nationalized under this doctrine. And, my colleagues, those are not my words. They are the words of the resolutions of the American Bar Association and of the National Association of Attorneys General of the 48 States of the United States of America.

I do not wish to hold this floor indefinitely to answer the endless, baseless charges of the Federal-control advocates. However, there are three additional specific charges that should be explained in order fully to clear the air for deliberation on the Graham bill.

There is a charge that the States are trying to steal these lands and that to restore them would be a gift.

Nothing could be further from the facts. The Supreme Court itself in the California case specifically pointed out that Congress has the constitutional power and right to restore unquestioned State ownership to these lands. The States are scrupulously adhering to constitutional procedures by petitioning the Congress to restore their rights. To describe such proper legal procedure as a steal undermines respect for our legal system.

Obviously, that false charge is calculated to arouse emotions and confuse the true issue. From their inception, the States have, without challenge, owned, used, and improved these lands until the very recent past. To restore that ownership can, by no stretch of the imagination, be called either a gift or a steal. A more appropriate word would be "justice."

Federal ownership advocates have gone so far afield as to try to involve the question of education in the submerged lands issue. They tell us that Federal control is necessary to provide oil for education.

The truth is that neither the Federal Government, the State governments, or the local governments have the constitutional power to confiscate anything for any purpose, however worthy. That is one of the fundamental protections written into the Constitution on which our system of Government is based.

Furthermore, any revenues that would be available for education would be of such an infinitesimal amount as to make this argument ridiculous in the extreme. Last month the Library of Congress reported that if all revenues from the submerged lands oil became available for education—every penny of them—it would amount to less than one-half of one percent of present educational expenditures.

Those advocating oil for education have raised false hopes on the part of educators in order to gain their powerful support for Federal control. Actually, oil for education has nothing whatsoever to do with the basic issue—ownership of submerged lands—and is, at best, a shimmering illusion.

Mr. Speaker, I hope that this explanation of the background of the submerged lands controversy, and this exposure of some of the false and misleading charges and propaganda that it has generated, will serve to resolve the issue in the minds of some who may be coming to grips with it for the first time.

I hope all will realize that this issue is not one between Republicans and Democrats. Nor is it one between a few States favored in their natural resources and the remainder of the States of our land. Nor is it one involving the education of our children. I hope all will realize that, stripped to its fundamentals, it is a contest between those who believe in preserving State, local, and private rights, by limiting the powers of Federal Government, and those who would give the Federal Government unlimited power over the people and the resources of the Nation.

RECIPROCAL TRADE AGREEMENTS ACT

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Speaker, when the 82d Congress renewed and extended the 1951 Reciprocal Trade Agreements Act, Members of the Congress were shocked by the revelation that the State Department at the 1945 Geneva Convention had abrogated to itself the express right of the Congress to make treaties.

Now that we have legislation pending in the Congress to amend the Reciprocal Trade Agreements Act, which will be up for renewal in this session of Congress, we find the State Department meddling in affairs that are strictly the business of the Congress.

The following news release from the Oil Daily under date of March 18 should be a warning to Members of Congress interested in limiting the increasing imports of residual fuel oil:

NEW YORK, March 18.—A top State Department official, recently appointed by President Eisenhower, came out strongly today against sharp cutbacks in residual fuel oil imports proposed by a score of Congressmen.

John M. Cabot, Assistant Secretary of State for Inter-American Affairs, told a joint meeting of the Export Managers Club and the Export Advertising Association here, that passage of such legislation would "prejudice our interests throughout the Americas."

Taking note of more than 20 bills in Congress to reduce residual imports to 5 percent of the domestic demand for each calendar quarter of the previous year, Cabot said:

"I am not going to describe to you at length what is likely to happen if one of these bills should pass; you yourselves will readily appreciate that if we should thus break an international commitment, it will not only damage your business in Venezuela but also prejudice our interests throughout the Americas."

THOMAS H. MACDONALD

The SPEAKER. Under previous order of the House, the gentleman from Georgia [Mr. VINSON] is recognized for 10 minutes.

Mr. VINSON. Mr. Speaker, in an endeavor to assess things in their own proper perspective during the years I have been in Congress and select those things that we have done which have contributed best to the peace, happiness, and welfare of our people at home, my mind reverts to the progress that has been made by the Congress, in the provision of primary highways, farm-to-market roads, and city streets.

The planning of this highway system and its construction and maintenance has had a profound influence on the economy of our country.

The change from the seasonally impassable roads of 1914, the year I came to Congress, to our present system of all-weather highways of 1953 has required the investment of public funds in large amounts.

It has not just happened as a matter of course, as many would seem to take

Mr. BAILEY. Going back to the submerged oil lands legislation, you are providing for a vote on that on Wednesday for final passage?

Mr. HALLECK. Yes.

Mr. BAILEY. May I remind the distinguished gentleman from Indiana that that is also a holiday throughout the mine-field country. Most of the Members of Congress representing mining districts have agreed to go back to their districts and make speeches on that day. What solution does the gentleman from Indiana have for that?

Mr. HALLECK. That has been called to my attention. As the gentleman from West Virginia knows, and as the gentleman from Massachusetts also knows, he has done the same as I have. We try as best we can to adjust the affairs of the House of Representatives to meet the necessities of the individual Members in the very sort of matter that the gentleman from West Virginia mentions.

Mr. BAILEY. I would like to remind the gentleman from Indiana that this is the first time that a request of this nature has been made by anybody from the mine field section of the country.

Mr. HALLECK. As I have said to certain of the other Members who have spoken to me about that, nothing would please me more than to try to adjust the legislative program so that each and every Member would suffer no inconvenience. But at the time I made the announcement that we would have the vote on Wednesday, the matter had not been brought to my attention. Also, there is the overall desire of all the Members to get to their homes or other places for Easter. That also has had to be taken into consideration.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I am always happy to yield to my distinguished colleague. In fact, may I say I am honored when the gentleman asks me to yield.

Mr. GRAHAM. Mr. Speaker, may I state for the benefit both of the leadership on the majority and minority sides that yesterday I introduced a clean bill, H. R. 4918, having reference to the matter of the submerged lands. In addition to what the majority leader has stated, we hope to have finished by tomorrow night the report so that it will be available at the document room on Saturday morning so that the Members can get both a copy of the bill and a copy of the report and familiarize themselves with this bill and the report so that we will be all set to go on Monday morning.

Mr. HALLECK. May I remind the gentleman from Pennsylvania to get permission to file that report, if he has not already done so?

Mr. GRAHAM. We have already done so. I thank the gentleman.

THE SO-CALLED TIDELANDS OIL ISSUE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, in welter of words that have beclouded the so-called tidelands oil issue, I think it eminently fitting and desirable that all of us here bring to bear upon the matter the light of reason and the wisdom of sober thinking.

At the beginning of this Congress, I had anticipated, in the view of past experience, that we would be called upon to give serious consideration to some form of a bill which would purport to confirm and establish the titles of the States to the lands —and their concomitant resources—beneath the navigable waters within State boundaries.

Through some magic of phraseology, or perhaps by deliberate attempts to delude, the question implicit in such a bill has familiarly become known as the tidelands issue.

At the outset, I wish to demur from the propriety of such designation, and at the risk of seeming somewhat elementary, I should like to begin my remarks upon this vital subject with a definition of terms.

As those of us in this body who have been exposed to the ramifications of the legal subject called real property know, the term "tidelands" has a specific connotation in the law. Appropriately defined, this term means the strip of land, somewhat indefinite of measurement, that is submerged when the tide is at its flood and accessible for pedestrian locomotion when it is at its ebb—to the water's edge. I do not know how I can better describe it in layman's language.

Now the land described within the compass of such definition, contrary to popular belief, is not involved in any manner, shape or form in the bitter controversy which has raged in the past few years between the Federal Government and certain of our sovereign States. At no time to my knowledge has anyone, officially or otherwise, claimed title to such lands on behalf of the Federal Government. Like any other novice in the law of real property, I concede that the States have a valid and vested title to and in the tidelands adjacent to and contiguous to their individual seacoasts. So far as I know and am able to ascertain the responsible agencies of the Federal Government have never raised any question concerning the validity of such title.

Furthermore, and again so far as I have been able to learn, the Federal Government and none of its responsible agencies, have ever asserted any title or dominion over the so-called inland waters—by which I mean the coastal indentations in the form of river mouths, bays, protected harbors, and such bodies of water commonly designated as lakes and ponds—as distinguished from open water generally designated as the "sea."

For over 100 years, the Supreme Court of the United States, in conformity with our basic law of real property, has consistently held, and I believe rightly so, that tidelands and inland waters are part of the land masses of the respective States in the Union.

The area in controversy between certain of our sovereign States and the Federal Government, therefore, is neither the tidelands nor the inland waters. It is, rather, a different area more aptly described as the "marginal sea," and beyond such underwater acreage, the indefinite expanse of submerged land known as the Continental Shelf.

The marginal sea area is that land which lies seaward of the low-tide mark of the tidelands and which extends outward to the so-called 3-mile limit. To those of us who remember the enforcement problems of the noble experiment of prohibition, the 3-mile limit is a term of definite sovereign connotation, and never during the period of prohibition—which, incidentally, was almost coterminus with the last lengthy period of Republican administration of the Federal Government—was there any question raised about the enforcement jurisdiction of Federal agencies in the 3-mile marginal sea area. Since jurisdiction is one of the attributes of sovereignty, it is more than difficult now for my poor intellect to grasp the arguments of those who contend that suddenly this area of marginal sea is one which belongs exclusively to the sovereign States. What trespassers our Federal Coast Guardsmen were from 1918 to 1933.

My point, Mr. Speaker, is that it is this area, and this area alone—the marginal sea—which the Supreme Court declared to be under the sovereignty and jurisdiction of the United States and to which the Federal Government possessed paramount rights of title. It so decided first in the California case in 1947, and again the Louisiana and Texas cases in 1950, and I may point out that the issue was decided in the type of suit for which the Supreme Court was expressly established as the appropriate forum by our Constitution.

Were the issue not so momentous, I would hardly advert to the contention that the United States does not have jurisdiction and control over the submerged area described as the Continental Shelf. Yet, I understand that Louisiana and Texas assert ownership for varying distances over 20 miles seaward. As far back as 1945, President Truman issued a proclamation to the effect that the seabed, the subsoil, and the resources of the Continental Shelf appertain to the United States and are subject to its jurisdiction and control. Obviously, the area involved is one which would be governed by the rules of international law, and so far as I know, no foreign sovereignty has ever challenged the force and effect of the proclamation.

The edge of the North American continent, its shelf, extends for varying lengths, up to nearly 300 miles, into the Pacific and Atlantic Oceans and the Gulf of Mexico. This shelf is but the normal and natural extension of the marginal sea area, and the precise point of the Supreme Court opinion in the California decision was that California never had any title to the marginal sea area. What it did say was that—

> We decide for the reasons we have stated that California is not the owner of the 3-mile belt along its coast, and that the Federal Government, rather than the State, has paramount right in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

This conclusion was based upon the irrefutable logic that the National Government not only had acquired the strip, but had from the time of the foundation of the Republic exercised functions of protection and control over such area. In other words, the Court said that if the Federal Government had continually exercised such dominion, it was inseparable from sovereignty, and therefore, the rights and powers of the sovereign were paramount in the area.

I submit that the Supreme Court's decision is the best and soundest authoritative determination of the contest between the States and the Federal Government in this matter. The law suits in the California, Louisiana, and Texas cases were argued by eminent and distinguished constitutional lawyers, and so far as the law is concerned, there can be no further question as to the supremacy of the National Government over the marginal sea and the Continental Shelf.

Since 1946, however, the Congress has been called upon to change the state of the law by legislative and executive action, and, in effect, reverse the Supreme Court on a basic question of international law. In that year, and again last year, the President vetoed joint resolutions which had for their purport the alleged confirmation and establishment of lands within State boundaries under navigable waters. By such joint resolutions, the Congress sought to quitclaim to the States title to the marginal sea and the Continental Shelf, and to confirm in the States a title which the Supreme Court ruled they never had. In the light of the law governing the controversy, such proposed legislation was nothing more than an outright attempt to make a grand gift of one of our most precious national resources to the several States.

The proposed legislation even had a disarming title. To my mind, it would appear to be an impossibility to confirm and establish titles where, according to the law of the land, none ever existed. By the same token, it would be, perhaps, a gracious but nonetheless empty gesture to confirm the titles of the States to tideland and inland waters, but such gesture is unnecessary because I for one have been unable to find any person or any court, including the Supreme Court, which disputes the titles of the States in those areas.

I happen to come from a great coastal State, a State which was a foremost maritime power before this great Nation was established. The draggers and fishermen of my native Massachusetts perhaps know more about the value and extent of our Atlantic Continental Shelf than any of us here. The waters over it are the scene of their perilous and arduous daily labors. I doubt if you could find one of them who would have the slightest misapprehension as to the sovereign power which exercises dominion, control, police powers, and, incidentally, rescue operations over the entire area. As a citizen of Boston and Massachusetts, I have no qualms about a predatory or octopuslike Federal Government despoiling my fair city and State of her tidelands or inland waters. For over a century, the Supreme Court has repeatedly held that such areas are within control and jurisdiction of the States, and it reaffirmed its holding in the recent controversial cases with emphasis.

I would be naive and disingenuous, however, if I did not admit at this point that, so far as is known, there is no oil in the marginal sea off the coast of Massachusetts. I also confess to some knowledge about the distinction between res judicata and stare decisis lest my brethren from States which were not parties to the Supreme Court cases should remind me that determinations of the rights of California, Louisiana, and Texas are not binding upon, let us say, Florida or Oregon.

But undoubtedly, the nub of the question is oil.

Geologists and soil experts and petroleum explorers have assured us that the resources under coastal waters are worth an estimated $40 billions. The Supreme Court has held that the title to the land from which this black gold can be extracted does not belong to the States whose shores are washed by the waters covering it. Prior to the Supreme Court decisions, the States which had legitimately leased tideland areas to private oil companies began to lease marginal sea areas offshore, and enrich the State treasuries with royalty payments.

After the Supreme Court decisions, however, it became rather obvious that revenue from leases made by parties which had no legal right to the status of lessors properly belonged to the party which, by virtue of legal ownership, could execute valid leases.

That party, I submit, by virtue of adjudication of the highest tribunal in the Nation, is the Federal Government.

No single State or group of States should be allowed to profit at the expense of the Nation as a whole. Our natural resources are part of the inheritance of all of our people. Sectionalism has no place in the decision of such grave and weighty questions. Oil is our prime defense weapon, and we are already become an oil-importing nation. Since the locale of the resources in question is governed by rules of international law, the Federal Government alone is recognized as the sovereignty which can validly and legitimately exercise dominion and control over it.

The Congress is one of the three powerful instruments of government through which that sovereignty is exercised. We who compose the Congress are also trustees of our vast national resources. There is no such thing as a tidelands issue. The question is whether, as a coordinate branch of the Federal Government, we shall sustain the rule of law laid down by the Supreme Court; whether, as trustees for all of the people, we shall preserve part of their birthright; or whether, in dereliction of our duty, we shall acquiesce in the unholy scheme by which the wealth in trust for the many shall, by legislative fiat, be channeled into the pockets of the few.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. KEARNEY and to include an editorial.

Mrs. ROGERS of Massachusetts and to include Winston Churchill's tribute to Queen Mary of England.

Mr. GEORGE in two instances, in each to include extraneous matter.

Mr. Bow and to include extraneous matter.

Mr. OSTERTAG and to include an editorial.

Mr. MASON and to include extraneous matter.

Mr. WESTLAND and to include extraneous matter.

Mr. RADWAN in two instances and to include extraneous matter.

Mr. KELLEY of Pennsylvania and to include recommendations by Mr. Walter Reuther in regard to the Labor-Management Relations Act of 1947.

Mr. SMITH of Mississippi in four instances and to include extraneous matter.

Mr. JONES of Alabama and to include an editorial.

Mr. BOLAND and to include an address by Hon. THOMAS J. DODD.

Mr. HOWELL (at the request of Mr. RODINO) and to include an editorial.

Mr. BROOKS of Louisiana in three instances.

Mr. PERKINS and to include an editorial appearing in the Courier-Journal.

Mr. DEMPSEY.

Mr. REAMS and to include a letter.

Mr. COOLEY (at the request of Mr. REAMS) and to include extraneous matter.

Mr. WEICHEL and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,000.

Mr. MULTER and to include an address by James P. Warburg, notwithstanding the estimated additional cost will be $294.

Mr. POULSON (at the request of Mr. HOSMER) in three instances, in each to include extraneous matter.

Mr. VAN PELT and to include an editorial.

Mr. DURHAM (at the request of Mr. BROOKS of Louisiana) and to include a statement made before the Ways and Means Committee by Mr. Lonier.

Mr. VAN ZANDT (at the request of Mr. GRAHAM) and to include extraneous matter.

Mr. FARRINGTON in two instances and to include extraneous matter.

Mr. JUDD in two instances and to include extraneous matter.

Mr. GROSS and to include extraneous matter.

Mr. DONDERO and to include an editorial.

Mrs. CHURCH and to include an editorial.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MULTER (at the request of Mr. ADDONIZIO), for Monday, March 30, and Tuesday, March 31, on account of the Passover holiday.

Mr. VINSON, for 15 days, commencing Monday, March 30, 1953, on account of official business.

in our economy. Interest rates on prime commercial paper have more than doubled since 1947. The average interest rate on AAA corporate bonds is higher than at any time since before World War II. The rate of interest on taxable Government bonds set a modern record high in February 1953. And the interest rate on short-term Treasury bills is almost nine times higher now than it was only 14 years ago.

"2. We are impressed by the evident manner in which high interest rates on borrowed funds in the underdeveloped nations of the world has almost entirely blocked any sort of economic progress in those countries. We hope we will not allow this to develop in our country.

"3. We are concerned that rising interest rates discourage expansion of plant capacity, render many proposed capital investments potentially unprofitable, raise the cost of living for consumers and reduce their expenditures, tend to increase the amount of hoarding and discourage consumption, and in many other ways have a retarding effect upon economic expansion and bring about a reduced rate of economic development which brings in its train mounting unemployment, reduced consumer incomes, and artificial scarcities of manufactured items and artificial surpluses of food, fabrics, and other items.

"4. It is rapidly becoming obvious that rising interest rates and increasing scarcity of credit in other areas of the national economy are quickly passed on to the field of farm credit. Interest rates on both short- and long-term farm loans is increasing. Newly recorded farm mortgage interest rates averaged 4.5 percent in 1951; 4.75 percent in 1952. Two of the 12 Federal land banks found it necessary to raise their rates during 1952. Rising interest rates and increasing stringency of available funds can only increase the severe problems already generated by falling farm income and rising farm cash costs of production.

"5. We are fully convinced that the national welfare and security should no more be executed on the cross of high interest rates and credit scarcity than on a cross of gold. The purpose of the credit system is to facilitate the smooth operation of an expanding national economy. Public policy should be framed to keep it working that way."

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. CARLSON, from the Committee on Rules and Administration:

S. Con. Res. 19. Concurrent resolution establishing a joint committee to make a study of public transportation serving the District of Columbia; with amendments (Rept. No. 134).

ELIZABETH A. REILLY—REPORT OF A COMMITTEE

Mr. CARLSON. Mr. President, from the Committee on Rules and Administration, I report an original resolution, to pay a gratuity to Elizabeth A. Reilly.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

The resolution (S. Res. 94), reported by Mr. CARLSON, from the Committee on Rules and Administration, was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Elizabeth A. Reilly, widow of Sylvester Reilly, an employee under the office of the Architect of the Capitol at the time of his death, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

WALTER QUARLES

Mr. CARLSON. Mr. President, from the Committee on Rules and Administration, I report an original resolution, to pay a gratuity to Walter Quarles.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

The resolution (S. Res. 95), reported by Mr. CARLSON, from the Committee on Rules and Administration, was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Walter Quarles, widower of Mattie Quarles, an employee under the office of the Architect of the Capitol at the time of her death, a sum equal to 6 months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

TITLE TO CERTAIN SUBMERGED LANDS—REPORT OF A COMMITTEE (S. REPT. NO. 133)

Mr. CORDON. Mr. President, from the Committee on Interior and Insular Affairs, I report favorably, with amendments in the nature of a substitute, the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDENT pro tempore. The joint resolution will be placed on the Legislative Calendar.

Mr. CORDON. Mr. President, at this time I ask unanimous consent that the committee may submit its report early next week, and, at such time as the report may be ready, any minority views which members holding such views may desire to make to the Senate.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. ANDERSON. Will the printed hearings be ready at the time the report is submitted to the Senate?

Mr. CORDON. The Senator from Oregon is advised that the hearings will probably be ready on Tuesday next; if not, on the day following.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. MALONE. Is it intended that the Senate shall proceed to the consideration of the joint resolution before the printed hearings are available?

Mr. CORDON. As I said to the Senator from New Mexico, the printed hearings will be available probably on Tuesday, or at least by Wednesday. My understanding is that it is not contemplated that the joint resolution will be taken up for consideration before Wednesday.

Mr. MALONE. If the Senator will further yield, I think it is only fair that the printed hearings be available to the Senate at least 1 day before the debate begins in the Senate.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. TAFT. Does the Senator from Oregon feel certain that the hearings will be available by Tuesday?

Mr. CORDON. That is my understanding.

Mr. MALONE. May we have it understood that if the printed hearings are not available on Tuesday, they will be made available at least 1 day before the debate begins?

Mr. TAFT. Mr. President, I can make no such deal. So far as the joint resolution is concerned, we propose to take it up on Wednesday. I shall do everything to see that the printed hearings are on the desks of Senators just as soon as possible.

This question has been before the Senate for a long time. I have told many Senators that we would proceed as rapidly as possible. On the earnest request of the Senator from Oregon [Mr. CORDON], I have agreed not to take up the joint resolution on Monday. Possibly we could not reach it on Monday any way, because other matters must be considered first. However, I give notice that not later than Wednesday I shall move to make the joint resolution the unfinished business. I have every reason to believe that the hearings will be available long before that.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. TAFT. Let me say to the Senator from Nevada that the debate will last for probably a week or 10 days; so the presentation of the subject by those in favor of the measure can be made, and I am sure that the fact that the hearings are not available will not seriously interfere with the program. The Senator from Nevada himself will have plenty of time to present his statement after the printed hearings become available.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MALONE. Mr. President, this question involves public lands in a considerable number of States. It is quite possible that this subject would be considered a great deal more important in such States than in the State of Ohio. Members of the Senate who live in the so-called public-land States desire an opportunity to review the record, because it is rather voluminous, and much new information has been developed in the hearings which was not available to the Senate in prior debates.

Mr. HILL. Mr. President——

The PRESIDENT pro tempore. The Chair invites the attention of Senators to the fact that under the informal rule recently adopted, as enunciated by the majority leader [Mr. TAFT], 2 minutes was to be the limit on any speech or remarks made during the morning hour. If the Senator from Oregon wishes to exceed that limit he should request unanimous consent to do so.

Mr. CORDON. Mr. President, the Senator from Oregon asks unanimous consent to make a brief statement with reference to the joint resolution, which statement may conceivably take a little longer than 2 minutes. However, I shall endeavor to keep within 2 minutes.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent to proceed for not more than 3 minutes. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. CORDON. Mr. President, the joint resolution is reported to the Senate with an amendment in the nature of a substitute for Senate Joint Resolution 13, commonly termed the Holland joint resolution. It embodies the philosophy of the Holland measure. The method adopted, of reporting an amendment in the nature of a substitute, is due to the numerous perfecting amendments throughout the joint resolution, and the necessity for some major changes and additions.

The only way in which the joint resolution in anywise differs from the philosophy and purpose of the Holland measure is that it recommends that the Congress confirm the jurisdiction and control by the United States with respect to the land and the subsoil of the continental shelf outside the statutory boundaries of the adjacent States.

I should like to say further for the benefit of Senators who are present, particularly members of the committee, that there are available at this time transcripts or galley proofs of the hearings so that Senators who desire to utilize the intervening time in the study of the hearings can obtain the transcript or the galley proof at the committee room.

Mr. HILL. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. HILL. I have no disposition unduly to delay this matter, but I certainly agree with the distinguished Senator from Nevada. We must have the hearings before us and we must have some opportunity to examine them. Questions were raised in the hearings which had not been raised previously. Some very interesting testimony was developed in the hearings which was not given in prior hearings. So the printed hearings will be very useful. We must have an opportunity to examine the hearings, and also to examine the majority report and any minority views which may be filed. Unless we have the hearings and an opportunity to examine them, I do not think we can save very much time. We would have to rely on the old hearings; and when the new hearings became available, we would have to make use of them.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. ANDERSON. Prior to the time the discussion of the joint resolution begins, I think I should say that the ranking minority member of the committee, the Senator from Montana [Mr. MURRAY] was compelled to spend a good deal of time in the Committee on Labor and Public Welfare. During that time, it fell to my lot to participate in the discussion in the committee. I would not want the joint resolution as reported by the distinguished Senator from Oregon to be presented without expressing the appreciation of all members of the committee for the very splendid way in which he conducted the hearings. He was uniformly fair. We have enjoyed very much working with him. I hope we may continue in the same spirit, and that we will not proceed to rapidly to a discussion of the joint resolution. I think we should have an oportunity to examine the hearings. I am sure the Senator from Oregon hopes there will be such an opportunity.

Mr. CORDON. I express my appreciation for the very complimentary remarks made by the Senator from New Mexico.

The Senate should have an opportunity to advise itself before the debate. I realize that this is a situation in which perhaps an exception may have to be made, for a day or so. I regret the exception, even to that extent.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon [Mr. CORDON] that the report of the committee, and minority views, on the joint resolution (S. J. Res. 13) may be submitted early next week? The Chair hears none, and it is so ordered.

Mr. CORDON subsequently said: Mr. President, I ask unanimous consent to speak for not more than 3 minutes in order to make a further statement with respect to the so-called tidelands joint resolution, and to cover certain material to which I neglected to refer in my previous statement, and I ask unanimous consent that my remarks may be printed at the conclusion of my previous statement on the same subject.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon [Mr. CORDON] that he may proceed for not more than 3 minutes and that his statement be printed as a part of his previous statement on the same subject? The Chair hears none, and the Senator may proceed for 3 minutes.

Mr. CORDON. Mr. President, when the hearings were in progress on Senate Joint Resolution 13, departments of the Government representing the administration appeared before the committee and requested that in any measure reported by the committee there be included a title dealing with and providing for the mechanics of the administration by the Government of the subsoil and sea bed of the outer portion of the Continental Shelf, or that portion lying beyond the statutory boundary lines of the States.

The committee went into the subject and endeavored to meet the request. It made a considerable study of the subject, and encountered some serious legal questions because of the peculiar political and legal status of the portion of the Continental Shelf adverted to.

The committee felt that the portion of the bill consisting of titles I and II, comprehending the Holland bill, be reported at this time, but that further study should be given to the matter of implementing the Presidential proclamation and, we hope, its confirmation by Congress.

In order to do that, Mr. President, the bill was divided into two sections. I wish to make a public statement now to assure my colleagues in the Senate that the committee is going forward immediately with the consideration of the second, or additional, problem involved, and it is the view of the acting chairman in considering the matter that a report on it should be made to the Senate at the earliest possible moment so that an appropriate measure may have consideration and be passed by Congress.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MALONE:

S. 1463. A bill to authorize the coinage of 50-cent pieces depicting the Hoover Dam; to the Committee on Banking and Currency.

S. 1464. A bill for the relief of Maria Zarrabe; and

S. 1465. A bill for the relief of Mrs. Lucille (Swett) Brown; to the Committee on the Judiciary.

By Mr. TAFT:

S. 1466. A bill for the relief of Shizue Araki Mraz; and

S. 1467. A bill for the relief of Patrick Devine; to the Committee on the Judiciary.

By Mr. POTTER:

S. 1468. A bill to require that the motto "In God We Trust" appear on all postage stamps printed after June 30, 1953; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. POTTER when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSON of Texas:

S. 1469. A bill for the relief of Pier Luigi Broghesi Stewart; to the Committee on the Judiciary.

(See the remarks of Mr. JOHNSON of Texas when he introduced the above bill, which appear under a separate heading.)

By Mr. KEFAUVER:

S. 1470. A bill to provide for voluntary coverage under the Federal old-age and survivors insurance system for lawyers and doctors engaged in the practice of their professions; to the Committee on Finance.

By Mr. BRICKER:

S. 1471. A bill for the relief of Patrick Devine; and

S. 1472. A bill for the relief of Krikor V. Goekjian; to the Committee on the Judiciary.

(See the remarks of Mr. BRICKER when he introduced the above bills, which appear under separate headings.)

By Mr. YOUNG:

S. 1473. A bill to authorize loans to owners of housing accommodations on farms for the purpose of assisting in the acquisition of adequate facilities for providing and using water in such accommodations; to the Committee on Agriculture and Forestry.

By Mr. MARTIN:

S. 1474. A bill authorizing the issuance of a special series of postage stamps in commemoration of the one hundred and sixtieth anniversary of the birth of President James Buchanan; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN:

S. 1475. A bill for the relief of Kazimierz Kiraga; and

S. 1476. A bill for the relief of Henry Baranczak; to the Committee on the Judiciary.

By Mr. WILEY:

S. 1477. A bill for the relief of Gerhard Nicklaus; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

S. 1478. A bill for the relief of Chung Keun Lee (Thung Kuen Lee); to the Committee on the Judiciary.

State. My deepest sympathies to you, sir, that your fellow Republicans turned their backs to you and to the many voters they lured to their support with promises of spending and tax reductions of great magnitude.

I am an independent voter and up to now I feel I have been betrayed. I shall not lose hope as yet, but a radical change in administration actions—I want no more promises—will be needed soon to restore any measure of confidence for the present Republican leadership in me.

With best wishes and highest respect, I am Sincerely yours.

There is a steady flow of such letters from every community large and small voicing the sentiment expressed in the foregoing letter. What are businessmen saying? This is typical of the thousands of letters from businessmen throughout the country:

If we wait for politicians or even statesmen to balance the budget before tax reduction we will never get tax reduction. Your plan is better, "Here is so much money to spend, now live within that budget."

Good luck, and more power to you.

I call your attention to another letter from a source I would like to disclose were it not for what might happen to this prominent businessman if his views were to become known to those members of the leadership who are opposing H. R. 1:

MILWAUKEE, WIS., *March 27, 1953.*

Congressman DANIEL A. REED,
House of Representatives,
Washington, D. C.

DEAR MR. REED: I favor reduced taxes this year by—

1. Not renewing the excess-profits tax.
2. Giving individuals some relief in 1953 income.

Because—

1. Ambition and incentive of Americans must not be dulled.
2. High tax rates encourage waste and inefficiency in production.
3. The reduction of this waste and inefficiency through reduction of the deductions for taxes will recoup a substantial portion of the taxes resulting from the tax.
4. Many projects now Federal will be returned to the States where more efficient administration is possible.
5. Many projects now administered by the Government will be returned to the people who alone should administer them.

I favor tax cuts before budget balancing because—

1. The tax cuts will force a budget balance and the benefits set forth above.
2. It will be more difficult to balance the budget if taxes are not cut first.

Very truly yours.

RENT CONTROL

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I bring to the attention of the House the fact that in the city of Chicago tenants are being served eviction notices as of April 30, 1953. This is not the case in a few isolated instances. It is the general rule. The people of Chicago are concerned as to the source from which the real estate interests are getting their assurance that rent control will end as of April 30.

President Eisenhower is not blind to the danger in the existing situation. With the distinguished Speaker of this House and others in the Republican leadership he has declared for an extension of the controls till October 1953. This, at least, would serve as a temporary reprieve giving some time for the working out of a permanent solution. Yet time is galloping on, the real estate speculators have the April 30 gun to the heads of the tenants, eviction notices are going out, the people of Chicago are confused and terrified and the gamblers in human misery are preparing for the kill. Mr. Speaker, I feel strongly that the wholesale sending out of eviction notices at this time constitutes an unpardonable disrespect of the President of the United States and of the responsible leadership of the majority party in this House. I suggest, Mr. Speaker, that the only proper answer for us to make is to call off the Easter recess. Let it not be said that while we were enjoying a week of relaxation time had run out on our chance to act upon the recommendation of the President of the United States. I for one am willing to remain here, even holding if necessary night sessions, to work this thing out.

Mr. Speaker, I am extending my remarks to include a letter typical of the many that are coming to me in every mail. It is from a constituent of mine living at 1500 East 61st Street, Chicago, Ill., and is as follows:

DEAR CONGRESSMAN O'HARA: Here are a few facts as to the shape of things to come. Yesterday tenants in several large buildings in the Hyde Park area were given eviction notices. You know what this means. If all these tenants are forced to move thousands will be hunting for housing as of May 1, and rent uncontrolled will break the sound barrier.

The building in which I live was notified yesterday that all tenants were to vacate as of April 30. This building is not owned by a starving widow but by a bank. The agent is a large North Side realtor.

THELMA J. COHEN.

OUR OFFSHORE OIL RESOURCES

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, during the course of our national existence, Congress has been faced with many grave issues. When, living up to its responsibilities, this great legislative body resolved those issues in public interest, its decisions were of lasting benefit to our entire Nation. But when Congress, forgetting about the public good, legislated on the basis of other considerations, its enactments were short-lived, abortive, and detrimental to our national well-being and development.

Today, once again, we are faced with a very serious issue—the issue of our offshore oil resources. It behooves us, therefore, to stop for a moment and consider in which way we must proceed to best serve the public interest.

Mr. Speaker, the Supreme Court—on three separate occasions—declared that the off-shore resources belong to the people of the United States. These resources are a part of our national wealth, and all the people of this country should derive some benefit from them. The legislation which we have before us would deprive our public of these riches. It would take this part of our national wealth and give it to a few. This is surely not in the public interest.

At the present time, our national debt approaches the figure of $270 billion. We are living in a critical period of history, which requires us to spend billions of dollars annually on our national defense. The people of this country must shoulder that burden, and they, too, are responsible for the national debt. Under such conditions, how can we possibly justify this tremendous give-away, proposed in the legislation before us? Surely we are not so rich that we can afford to make $60-billion gifts while our people are paying such high taxes. The income from our off-shore oil resources can—and ought to—be used for public good. We can use it to pay off a part of our national debt, to meet our defense expenditures, to improve our educational system, or for other worthy purposes. Whatever we do with this wealth, we should make certain that our entire country—not the few chosen ones—benefits from it.

Mr. Speaker, at this point I would like to read an editorial which appeared in the March 11, 1953, edition of the Milwaukee Journal. This editorial is entitled "Tidelands: Principle or Money."

TIDELANDS: PRINCIPLE OR MONEY

There are those who contend that the fight over offshore lands sought by some States in tidelands legislation is based on the principle of States rights. Texas has been the most fervent flag waver for this principle.

There are others—and we're among them—who believe that the fight for offshore lands is, pure and simple, a fight for oil and income. Texas is best proof of this.

Leaving aside all of the constitutional and other arguments, let's look at Texas. When Texas came into the Union it was agreed that the State could continue to claim jurisdiction over lands 3 Spanish leagues seaward—or 10½ miles. Historically, except for the Gulf Coast of Florida, which also claimed 3 Spanish leagues, the national limits were set at 3 miles.

Texas started out shouting for its historic limits on the grounds of State rights. It gained many supporters.

But oil drilling hasn't found wealth inside the 3-mile limit, or the 10½-mile limit, off Texas. So Texas is forgetting its great basic principle of State rights. It is claiming rights now out to the end of the Continental Shelf—where oil has been found.

The States which backed Texas' original claims are embarrassed by this extension of the "great principle." Senator HOLLAND, Democrat, Florida, for instance, a strong supporter of tidelands for the States, has a bill to give States power to their historic boundaries. He is embarrassed at discovering that his comrades in arms no longer define "historic" by geographic history but by the latest oil strikes. His great State rights argument is knocked into a cocked hat by Texans whose boundaries seem made of elastic.

Senator DANIEL, Democrat, Texas, isn't satisfied with the Holland bill—although it's what he based his crusade on in the election campaign. Now, at the very least, he wants a 37½ percent royalty on everything found off Texas outside the historic boundaries.

This at least strips Texans of their armor of principle and shows up the fight for what it is—a fight for oil and the money therefrom.

Mr. Speaker, I sincerely hope that the membership of this body will consider these comments, and vote against this legislation. There is no other course open to us, if we want to serve the public interest.

SOCIAL SECURITY

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the whole subject of social security has been drained dry by investigations, studies, reports.

It reminds me of another subject—Hawaii—which has been explored so many times on the spot by committees whose capacity for thoroughness is amazing that the people of the islands must be worn out by investigationitis. It also leads to the suspicion that an old political trick is being used overtime to prevent any constructive action.

I suggest that those who oppose social security should say so in a forthright manner, instead of prolonging the agony under the false hope of further studies.

There is no scarcity of actuarial facts to work on.

But where are the improvements in social security that were promised?

Left hanging in the air, while want and solitude and death are supposed to solve this human problem.

In Denver, Colo., on August 9, 1952, Candidate Dwight D. Eisenhower said, and I quote:

I am particularly concerned about the present inadequacy of the social-security law and feel strongly that the law ought to be extended to presently uncovered persons.

But the Washington Post on March 1, 1953, reported that—

GOP House Ways and Means Committee Chairman REED has put social security under exhaustive study which he says makes action this year on social security unlikely.

"Exhaustive study" is an accurate description, because it will exhaust the old people in need before they can get help, and it will exhaust the patience of the American people who still believe that a promise should be backed up by performance.

I earnestly hope that this committee will promptly bring this serious issue to a head and recommend legislation that this session of the Congress will have a chance to vote upon—and by a rollcall—so that our older folks can have the opportunity of knowing who is for them and who is against them.

To evade the issue by delaying tactics, or by juggling with words, would be the shabbiest sort of treatment when directed against the helpless.

I find it hard to believe that such is the veiled purpose behind this re-review, but having observed the perpetuating habits of some study projects in the legislative field, I fear the worst.

I will not make a mockery of the aged by pleading for what is clear and plain. We have long since passed that stage, and we cannot go backward.

The need for more social security is obvious.

I leave it to the conscience of each Member to decide on the followthrough.

Shall it be faced now, or shall it be put off and put off like an obligation that is never fulfilled?

Many organizations have been working year in and year out to make the United States strong inside. They know, with instinctive wisdom, that while guns and tanks and ships and planes are necessary to protect us against aggressors, we must also protect our people against the physical and spiritual enemies of want and fear within our borders.

Among these dedicated groups, working with great hearts but slender resources, is the National Pension Federation, with headquarters in Washington, D. C.

Each Member of Congress has been informed concerning the pressing need for an improved social-security program.

This question was given high priority by the Republican administration and then it was sidetracked.

I join with many others in asking that a bill be reported favoring extension and increases, and that it be brought out into the open so that we can vote on it within the next 3 months.

That is our direct proposal.

What is your answer?

I trust it will not be: "We must study the problem, without end."

SPECIAL ORDER GRANTED

Mr. McCORMACK asked and was given permission to address the House for 5 minutes today, following the legislative program and any special orders heretofore entered.

MISS MARY PICKFORD

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection?

Mr. HALLECK. Mr. Speaker, I have the great pleasure of announcing the plans for a reception by Speaker MARTIN in honor of Miss Mary Pickford, who will launch a nationwide tour in behalf of the United States savings bonds program from the Capitol today.

A public ceremony will be held from 1:30 to 2 p. m. on the steps of the Capitol with the President pro tempore of the Senate, the Speaker, the Secretary of the Treasury, and Miss Pickford participating.

The United States Marine Band will play. Some of you may remember that Miss Pickford came to the Capitol in April 1918 to undertake a similar patriotic task for the Treasury Department. In a sense, it will be history repeating itself.

Miss Pickford will tour from coast to coast to inspire women to conduct a savings bonds signup campaign among the professional and self-employed people. I hope that all Members of the House will attend the ceremony and bid her Godspeed on her travels across America in behalf of a sound economy.

There will be full coverage by the radio and television networks, as well as newspapers and newsreels.

FEDERAL GRANTS-IN-AID—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

In the state of the Union message, I expressed my deep concern for the well-being of all of our citizens and the attainment of equality of opportunity for all. I further stated that our social rights are a most important part of our heritage and must be guarded and defended with all of our strength. I firmly believe that the primary way of accomplishing this is to recommend the creation of a commission to study the means of achieving a sounder relationship between Federal, State, and local governments.

The way has now been prepared for appropriate action. Shortly after stating my original intention, I called an exploratory meeting of interested officials, including Members of Congress and a group of governors representing the Council of State Governments, to confer with me on such a study. This conference produced general agreement on the importance of the problem and an offer of cooperation in the proposed study. Within a few days representatives of several leading organizations of local governmental officials will meet at the White House with several of my associates to give their considered and needed counsel.

The present division of activities between Federal and State governments, including their local subdivisions, is the product of more than a century and a half of piecemeal and often haphazard growth. This growth in recent decades has proceeded at a speed defying order and efficiency. One program after another has been launched to meet emergencies and expanding public needs. Time has rarely been taken for thoughtful attention to the effects of these actions on the basic structure of our Federal-State system of government.

Now there is need to review and assess, with prudence and foresight, the proper roles of the Federal, State, and local governments. In many cases, especially within the past 20 years, the Federal Government has entered fields which, under our Constitution, are the primary

gressional district political conventions which sent delegates to the State convention, which in turn had a voice in electing members of national political conventions.

Another purpose is to ascertain whether an amendment of the Corrupt Practices Act is either advisable or necessary, in order that regular lawful party procedure might be continued—whether such conventions which affect national elections might be controlled through the use of force.

The Corrupt Practices Act does not come under the jurisdiction of the Committee on Government Operations. If it comes under any committee it would be the Committee on House Administration and legislation relating to it could come under the jurisdiction of the Committee on the Judiciary.

Now the gentleman says that the charge that it was purely partisan was "without foundation in fact." Well I have in my hand here the Detroit News of March 21. Right down here it says in part:

A witness at the Detroit hearings will probably be Representative CHARLES G. OAKMAN, Detroit Republican, now representing the 17th District. OAKMAN said he was anxious that the public know what went on at the 1950 Delegate Convention of the Democratic Party in Detroit—

And mark these words what this paper says. I do not know whether the gentleman said it or not, and if he says he did not, I will accept his word—mark these words—

and this was the first opportunity of a Republican administration to make an investigation.

Is that a justification? Now if that is correct, and I have a right to draw an inference that the newspaper men quoted it correctly, then, that the charge is partisan, is certainly justified.

Now we are entitled to say many things outside of this House that we cannot say on the floor of the House because of the rules of the House, and yet it might be the truth what we said outside of the House. With reference to my statement that it was "a disgraceful abuse of power," I did not say or intend that my dear friend from Michigan, or convey that he was "disgraceful." Why, if anyone said to me on the floor of the House or outside of this House that the gentleman from Michigan [Mr. HOFFMAN], was disgraceful, I would resent it and I would defend him, and I would defend the gentleman because I have a minimum high regard for him.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Always.

Mr. HOFFMAN of Michigan. I just call attention of the House, after words expressing some sort of appreciation of the gentleman from Michigan, the gentleman then said it was a minimum.

Mr. McCORMACK. No, no, I said "minimum high regard" and very few have even that for my friend. I am still one of the few Members of the House that have a liking for him.

Mr. HOFFMAN of Michigan. I thank the gentleman for that compliment. There may be more than you think.

Mr. McCORMACK. I hope there are, because I am a kind-hearted fellow. I want to think well and good of all of my fellow men, and I want all of my fellow men to think well of others, and to think there are more than a few that have a minimum high regard for my dear friend.

Mr. HOFFMAN of Michigan. I thank the gentleman. Let me call attention to this, as strange as it may seem to you.

Mr. McCORMACK. Strange as it may seem? You are one of my strange things.

Mr. HOFFMAN of Michigan. And difficult as it may be for you to give credence to it, I never made any statement to the press. I never saw those papers until you waved one of them over in the committee hearing. I have not read one of them—but will do so at my earliest convenience.

Mr. McCORMACK. The fact remains that somebody spoke to the press. I did not. That is a fact. Somebody did the speaking.

So, I guess we have had a good time. Probably it is best to let the matter rest. My friend is giving it a lot of fine advertising, more than I really deserve and really expected. My friend unconsciously and unintentionally has helped the Democratic Party in Michigan rather than hurt the Democratic Party. Now let me say to my friend, as chairman of the committee; I do not know much; I have only been here 25 years, but I know very little. I am trying to learn every day, but I know one thing, it is the easiest thing in the world to get along with those who serve in this House, whether Democratic or Republican, if you protect their rights. Might I suggest to my friend, as chairman, protect not only the rights of the Republican members of the Committee on Government Operations but also protect the rights of the minority members. And, let me say, when I was majority leader I always emphasized protecting the rights of the minority, and so has the gentleman from Indiana [Mr. HALLECK]. He realizes that above all he must protect the rights of the minority, and fall over in doing so. And the chairman of the committee has the same responsibility, because the chairman of the committee is the leader of his party in committee, and he is supposed to do the same thing; to be very careful. We never had a meeting of the full committee that I was asked about the House Administration Committee and expenses for our committee. I served on a subcommittee of which the gentleman from Michigan [Mr. HOFFMAN] is chairman. Our little subcommittee has not met. If the Republicans on the subcommittee have met, we Democrats have not been invited. At least invite us. Get your votes together but go through the formality of complying with the legislative rules and procedure and, might I say, with decency. The gentleman and I and the Democratic members of the committee will get along well if first he does not invade the rights of the chairman of his own subcommittee—he had better do a little about that; that is not a Democratic matter—and above all, if he will just show the elements of decent consideration, what a chairman should do for the members of a committee, both Republicans and Democrats.

Mr. OAKMAN. Mr. Speaker, will the gentleman yield? The gentleman from Massachusetts mentioned my name, and I would just like to make a remark for the RECORD, if he will yield.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired, although he can ask unanimous consent to proceed for another minute.

Mr. McCORMACK. I would be glad to, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts may proceed for 1 additional minute.

There was no objection.

Mr. OAKMAN. The gentleman from Massachusetts mentioned my name in conjunction with this.

Mr. McCORMACK. No, I quoted from a newspaper.

Mr. OAKMAN. Very good sir, I am happy to tell the gentleman and the other Members of this House that I am the Congressman who did go to Mr. HOFFMAN as the only Republican from Wayne County, but I assure the gentleman that it was not as a Republican that I went to Mr. HOFFMAN; it was as an American. I have had dozens and dozens of complaints, all from Democrats in my district in Wayne County, not from the Republicans. I show you a book called, "The CIO and the Democratic Party."

Mr. McCORMACK. Does the gentleman want me to get 5 minutes for him? I will ask for that if he wants to make a speech.

Mr. OAKMAN. It is the Democrats in my district and not the Republicans who are seeking the reformation.

Mr. McCORMACK. It is beautiful to see a Republican Congressman going to a Republican chairman to investigate a Democratic convention. I am glad to see that my friend is acting as an American and not as a Republican, but we have a right to our own views on that question.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has again expired.

SUBMERGED LANDS BILL

Mr. ALLEN of Illinois. Mr. Speaker, I call up House Resolution 193 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report

the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi [Mr. COLMER], and I now yield myself such time as I may require.

Mr. Speaker, this resolution makes in order H. R. 4198, a bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands.

It is an open rule, providing for 4 hours of debate, after which it will be read for amendments under the 5-minute rule. Under the rule, points of order are waived because it is probable that the question of appropriation in a legislative bill is involved. I refer you to page 6, beginning on line 9.

This legislation merely restores to the States the accepted law of the land prior to the Supreme Court's decision in the California case which, by a 4-to-3 decision, robbed the States of their sovereign rights.

The Judiciary Committees of both the House and the other body have had over the years many hearings on the subject. Always the committees have held in favor of the States. We must not forget that for over 160 years in our Nation's history that the States had unchallenged ownership.

The Supreme Court's decision applies to all the 48 States. Particularly does it apply to the 18 coastal States and the 8 States bordering on the Great Lakes. For instance, the great city of Chicago has filled in many square miles on the Michigan Lake front. As of this moment, the question of true titles to these lands may be in question.

While it is true that some are opposed to this bill, it is my understanding there is not any objection to the passing of this rule.

Mr. COLMER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as the gentleman from Illinois, the chairman of the committee, just explained, this is an open rule providing for 4 hours of general debate, which together with the 1 hour provided on the rule makes 5 hours of general debate, after which the bill will be read for amendment under the 5-minute rule.

Mr. Speaker, this question has been a controversial one now for the past decade and a half. For years and years, it was generally understood that the various States of the Union exercised the right of ownership and control over the sea bottoms according to their historic bounds. About 1935, some question was raised about that matter of ownership of these tidal lands by the then Secretary of the Interior, Mr. Ickes, although he had on a previous occasion, as I understand it, recognized the rights of the States to these tidewater subsoils. Subsequently the Supreme Court decided much to the surprise of many constitutional lawyers that the right to that soil belonged to the Federal Government and not to the States. This House on two occasions since that time passed a bill by overwhelming majority reasserting the right and title to these lands in the States. Naturally, coming from a State whose citizens pride themselves on the theory of States rights, I subscribe to the general theory enunciated here in the philosophy of this legislation of States' rights. Of course, no one could discuss this all-comprehensive legislation in such a limited time as we have here. In passing, I want to say that we want to give as much time as possible to the opposition to this bill on the rule, as I am sure it will be given in the general discussion of the bill.

But, generally speaking, there are more than three States involved in this matter; even though the public seems to have been given a contrary impression. Not only are California, Texas, and Florida involved, but all States with coastal borders are concerned with this legislation. In fact, all States are interested because of the far-reaching implications of the Supreme Court decision.

There are two questions involved. The question of the traditional or historic boundaries of the States, and the question of the Continental Shelf. I might mention before I leave that subject that with the exception, as I understand this legislation—and if I am in error, of course someone will correct me subsequently in the debate—but under this legislation only three States, California, Texas, and Florida—there may be others who claim—but, as I understand the testimony before the committee, it was the three States of California, Texas, and Florida which claimed more than 3 miles from the shore as their historical boundaries.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. COLMER. Mr. Speaker, I yield myself 4 additional minutes.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Michigan.

Mr. DONDERO. I was just about to say how easy it would be to write a line in this bill to include all of the Lake States that have coast lines, but not on the ocean.

Mr. COLMER. I hope the gentleman will develop that under general debate. I think the gentleman will find that possibly that has already been done.

Now Texas comes in with its claim of more than 3 miles, because Texas came into the Union under a different status than the other States of the Union, which I do not have time to develop, but which will be developed during the debate.

Mr. Speaker, I want to call attention particularly of the chairman of the committee and of the chairman of the subcommittee and the members of the committee generally to one phase of this matter that gives me considerable concern. That is the question of the comprehensive language used in the definition of what constitutes "natural resources." On page 3 we find that term. I shall not take the time to read it, but under the definition of "natural resources" the States would be given control and the right to the fish, shrimp, oysters, clams, crabs, lobsters, et cetera. That raises a very serious question in my mind, as one who has been very much interested in that subject. Fish, shrimp and so forth are migratory. They are not fixed, in the sense that minerals are.

For instance, take the case of shrimp. Recently a large school of shrimp not heretofore discovered was found off the coast of Florida. Those shrimp moved gradually across the Gulf of Mexico, across the States of Florida, Alabama, Mississippi, Louisiana, and Texas and now are somewhere off the coast of Mexico. Fishing fleets from Virginia to Mexico converged upon those shrimp without interference or limitation of State boundaries. This was as it should be. Otherwise the harvest would have been impossible. Migratory fish and shrimp do not recognize State boundaries.

Mr. Speaker, as a matter of fact the practice engaged in by some States in the matter of regulating the taking of fish and other marine life is clearly unlawful and violative of the Privilege and Immunities clause of the United States Constitution. The United States Supreme Court in a fairly recent decision in the case of *Toomer* v. *Witsell* (334 U. S. 385) held that unreasonable and discriminatory regulations, licenses or fees could not be imposed or required by one State against the citizens of a different State in the taking of such marine life, to wit, shrimp. And I should like to call the attention of the learned committee members to the fact that this decision was made by the Supreme Court subsequent to the famous case in which the Court ruled in favor of the Federal Government and against the States in the so-called tidelands case. I might add that subsequent to the case just cited—the South Carolina case—the same United States Supreme Court made a similar decision in a case involving Texas and Louisiana, also involving the taking of shrimp.

At the proper time in the consideration of this legislation—and I wish I had more time to develop it—I am going to offer an amendment to try to clarify that situation and I hope I may have the sympathetic cooperation of the committee.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I think the gentleman from Mississippi very rightly points out a glaring defect of this bill, one of many; and I hope those defects will be made manifest as the debate progresses. I cannot see how shrimp, crabs, lobsters, and all manner and kin of fish can be deemed a resource or a part of the resources of a State. They are migratory, and that subsection (d) on page 3 is going to get the States involved in all manner and kinds of difficulties, all manner and kinds of claims and counterclaims, and what have you; so I think a suitable amendment would be very welcome in that regard.

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. I understood the gentleman to say that clams, quahaugs, and so forth, are migratory. They are attached to the land and planted there.

Mr. CELLER. I did not say "clams"; I meant some of the other marine animals or marine life that are mentioned

in the bill. However, I am opposed to this legislation in toto; I have been opposed to it from the very beginning.

This is an attempt to erase Supreme Court decisions, and I can assure you that whatever we do here with reference to this particular bill will be purely abortive. I can say that from my knowledge of the law; and a reading of the decisions of the Supreme Court in the California case and in the Texas case, in the Louisiana case, leaves no doubt that this bill, if passed, will be declared illegal. The terms of the instant bill are no different in principle than the terms of the proposals passed upon by the Court. All we do will prove to be abortive, for the Supreme Court has stated in effect that the United States has no title whatsoever in these marginal lands and offshore lands seaward from low-water mark or in the minerals underneath. This bill purports to quitclaim to certain States these offshore lands and the minerals thereunder. I ask you how we can alienate that which we do not have, that which we do not own? Congress cannot quitclaim for the Government. The Government has naught to give a quitclaim. I say our action will be purely abortive. The Supreme Court will reaffirm the general principle that the Federal Government does not have title. Using legal verbiage the Court said in the Louisiana case, that as to these marginal lands off shore the Federal Government has "paramount rights"—that is, it has "imperium," that is, sovereignty. That is what is meant by "paramount rights" over the offshore lands. "Sovereignty" involves right, national defense, right of waging war, right to conduct foreign relations, make treaties, and so forth. The Federal Government cannot yield to the States any privileges or land or anything under the lands that interfere with that "sovereignty." Ceding any land seaward from the low-water mark would mean ceding some of the Government's sovereignty. This Congress cannot do.

Significantly the Court in the Louisiana case said:

> Although dominium (legal title) and imperium (sovereignty) are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

Thus legal title merges into sovereignty and becomes part of it.

The Federal Government must have sovereign rights on the seacoast; it must have sovereign rights over the termini of the various coastal States for purposes of defense and for the conduct of international relations, and so forth. This bill decidedly nullifies those sovereign rights of the Nation.

When officials of the Government appeared before our committee they were in hopeless discord. There was no agreement. Signals got crossed. Arguments made by the administration's high officials were all tangled up. Three departments of the Government could not agree. The Secretary of the Interior, Mr. McKay, came before us and said we should "quitclaim" seaward to the traditional borders of the States; that is, the Federal Government should quitclaim these lands to the coastal States. But along came the Attorney General, Mr. Brownell, a very astute and distinguished lawyer who knows the score, who knows the intricate legalities of the situation, and said, "Do not quitclaim." He undoubtedly had in mind the decisions of the Supreme Court which said that the Federal Government had no title, therefore, could not quitclaim what it did not have. Then Mr. Brownell—as I say, a very astute lawyer—realizing that there were some very improvident campaign pledges made by certain distinguished personages tried to reconcile differences, but he got into embarrassing difficulties. He said, "Do not quitclaim. Let the Federal Government allow the States to develop."

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman 3 minutes.

Mr. CELLER. Mr. Speaker, finally the distinguished Attorney General said: "Draw a line between that which belongs to the States, and that which belongs to the Federal Government." He was rather naive in making that statement, because every member of the committee objected and said it would take until kingdom come to draw any sort of line of that kind. So that tack was discarded.

Then along came the State Department, and it said, in effect: "You were all wrong. Do not quitclaim. Do not allow development. Draw no line. If you attempt to give this territory and the rights thereunder to the States or allow development, you will involve us in all kinds of international entanglements." Whom are we to follow? The State Department, the Department of Justice, or the Interior Department? We cannot follow all three. They are in emphatic disaccord.

In particular, incidentally, the State Department, in its opposition, had in mind what happened recently when the Russians fired upon one of our planes that got nowhere near the 3-mile limit of Russian territory. Yet the Kremlin claimed the territory or sea over which the plane was flying. The Department had in mind what happened comparatively recently when our shrimp boats went down off the coast of Mexico and sailed allegedly within the 9-mile limit of Mexican territorial waters and got into trouble.

Just see what has occurred since we started this kind of legislation. Our minority report, which I hope you will read, indicates how various nations are now extending their boundaries away out to what is known as the Continental Shelf. The list includes Mexico, Panama, Chile, Peru, Argentina, and other Pan American countries. We started it all. Other nations taking their cue from the proposed legislation proceeded to extend their boundaries seaward clear to the Continental Shelf. One hardly blames them but see the complications that will arise from all these boundary extensions. Small wonder the State Department expresses alarm.

See what would ensue if France and England extended their boundaries in the English Channel as cavalierly as we would permit Texas and other coastal States to expand their limits by this legislation. We invite the States to extend their boundaries willy-nilly. I may be disputed on this, but I think I am right. There is an invitation, for example, to the States to go not only beyond 3 miles, the traditional 3 miles; but even to go beyond the marginal sea of 10½ miles, and clear out to the Continental Shelf—60 miles or 100 miles.

Section 4 in effect says that any claims of States as to seaward boundaries to any degree are not prejudiced by the legislation. This is the language used in part in section 4:

> Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line—

The 3-mile limit.

These words will encourage States to extend their boundaries. Here is an engraved invitation to the coastal States to expand seaward—clear to the edge of the ocean shelf.

Up in Alaska the Continental Shelf extends 600 miles. If and when Alaska becomes a State it could extend its lines deep into the seas. What would Russia do? What is France going to do? What is England going to do? What are other countries going to do? They are all going to extend their territories way, way out, and they are going to get in each other's way and create incalculable turmoil and harm.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HILLINGS].

Mr. HILLINGS. Mr. Speaker, I find myself in considerable disagreement with the comments of the distinguished gentleman from New York [Mr. CELLER]. Later on in the course of debate I know that we are going to answer some of the points raised in the course of his remarks. At this time I would like to bring to the attention of the House a quotation of some paragraphs from a speech by the now President of the United States which was delivered in New Orleans on October 13, 1952, in which the position of President Eisenhower was made clear. That position has been reiterated in recent press conferences at the White House. I do so because the comment was made by the gentleman from New York that the present administration is confused as to what its position is on this issue. He said:

> The attack on the tidelands is only a part of the effort of the administration to amass more power and local responsibility.
>
> So, let me be clear in my position on the tidelands and all submerged lands and resources beneath inland and offshore waters which lie within historic State boundaries. As I have said before, my views are in line with my party's platform. I favor the recognition of clear legal title to these lands in each of the 48 States.
>
> This has been my position since 1948, long before I was persuaded to go into politics.
>
> State titles in these so-called tidelands areas stand clouded today.
>
> The Supreme Court has declared in very recent years that there are certain paramount Federal rights in these areas. But the court expressly recognized the right of Congress to deal with the matters of ownership and title.

Twice by substantial majorities, both Houses of Congress have voted to recognize the traditional concept of State ownership of these submerged areas. Twice these acts of Congress have been vetoed by the President.

I would approve such acts of Congress.

State ownership of the lands and resources beneath inland and offshore navigable waters is a long-recognized concept. It has not weakened America or impaired the orderly development of such resources. The States have administered the development of such resources in these areas from the beginning. And let me point out that this development has been carried on by State officials without scandal, fraud, or corruption.

The policy of the Washington power-mongers is a policy of grab. I wonder how far a consistent pursuit of this policy would take us. If they take the Louisiana, Texas, and California tidelands, then what about the Great Lakes? They have been held to be open sea. A good part of Chicago has been built on lands once submerged by Lake Michigan.

What of the inland lakes, rivers, and streams in Oklahoma, Iowa, Illinois, and Kansas?

What about the iron ore under the navigable waters of Minnesota and the coal under the waters of Pennsylvania, West Virginia, and other States?

What of the fisheries in Florida; what of the kelp in Maine; what of the real estate built on soil reclaimed from the once-submerged areas in New York and Massachusetts?

The Washington power grabbers say, "Oh, we haven't tried to move in on any of those other States."

My answer is they didn't move in on you in Louisiana until the submerged lands became valuable.

So I repeat for the benefit of my opponents who have gone out of their way to misrepresent my views: I favor the recognition of these ancient property rights of the States in submerged lands.

Here are my reasons:

First, I deplore and I will always resist Federal encroachment upon rights and affairs of the States.

Second, I am gravely concerned over the threat to the States inherent in the growth of this power-hungry movement.

Third, the resources of these submerged areas, though still owned by the States, will be available for America's defense in time of national emergency.

Fourth, the orderly development of these resources under the States need not interfere with any valid Federal function.

Fifth, I believe the law twice passed by Congress which would recognize these State titles is in keeping with basic principles of honest dealing and fair play. These things are important—they are vital in Government as well as private dealings.

That was the statement of the President in his speech in New Orleans. Just a few weeks ago in a press conference he repeated his position in answer to a question which was put to him as to where he stood on this question. The question was:

Would you still say you favor restoring full ownership in the States within historic boundaries?

The President asked:

Within historic boundaries? Yes, sir.

The President said:

Which doesn't mean, of course, that the Federal Government doesn't perform certain functions in that region—security, smuggling—they do that. But up to the historic boundaries, that is State property as far as he was concerned.

This statement was contained in the New York Herald-Tribune of March 6.

I am convinced that the administration and the President of the United States are very much in favor of legislation to restore State ownership of the resources in the area within historical State boundaries.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. HILLINGS. I yield to the gentleman from Ohio.

Mr. FEIGHAN. May I ask the gentleman from California if the excerpts from the speech of the President in Louisiana were made before the President stated that he had not read the Supreme Court decision?

Mr. HILLINGS. I do not know, but I know this, that the President has consistently felt, as he indicated in his remarks in New Orleans and as indicated in his press conference, that despite the Supreme Court decision this Congress can still act to properly determine the title to these lands in question.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Utah [Mr. DAWSON].

Mr. DAWSON of Utah. Mr. Speaker, I favor retention by the Federal Government of the rights to revenue from the development of natural resources on the public domain until such time as a complete resurvey of these rights—including a survey of public domain in inland States—can be made. I am against piecemeal quitclaiming of these revenue rights, particularly by a Federal Government that is heavily in debt to rich sovereign States which, to their credit, are not.

In taking this stand, I want to dissassociate myself from many of the tactics used by proponents of continued Federal ownership. These arguments include such canards as giving the lands to the oil lobbies, and so forth. I also feel that the attempt to tie up the so-called tidelands issue with Federal-aid-to-education legislation is misleading. It is sufficient, I feel, to point out to the people the financial plight of the Federal Government as it now stands. We should not have to buy their support for our stand by promising a new, and in this instance a popular, Federal spending program.

We are asked here to decide a matter of equity—and this question has two phases. Continued Federal ownership of the submerged lands without remedial legislation would, I am convinced, unduly penalize those persons who have in good faith spent time and money exploring and developing this great national resource under State lease. Without remedial legislation—should we defeat this measure—several johnny-come-lately Federal leaseholders would benefit at the expense of the legitimate developers and at the expense of the Nation as a whole. This I do not favor. This question of equity, however, can be settled by proper legislation, recognizing the legitimate rights of those who have operated under State leases. But we do not, we do not, have to protect their equity at the expense of the equity of all of the taxpayers in the Nation who now have, and until this measure is signed into law will continue to have, a right to their share of any revenue that accrues to the Nation from this vast oil resource.

Here, we have the second question of equity. We are asked by this bill to give up to the citizens of 3 States at the expense of the citizens of the remaining 45 States their equity in the revenue developed from this natural resource.

To the extent of 10 percent of this revenue—all of the States of the Union are involved. Under present policy of Federal ownership, 10 percent of royalty and rental revenue from oil development on the submerged lands would go into the General Treasury, where it is available for debt reduction, tax reduction, or for any program that the Congress in its wisdom decides upon.

Another 37½ percent of this revenue—if Federal ownership is retained—would be allocated to the inshore States, just as 37½ percent of the revenue from lands on public domain is now allocated to those States in which the domain lies. This I feel is a just allocation to the rich States of Louisiana, California, and Texas.

The remaining 52½ percent goes into the Bureau of Reclamation fund where it is used to help public-domain States develop their resources in the interest of the Nation. California, Texas, and Louisiana participate in these benefits—as does Utah, where 73 percent of the land area is under Federal dominion. This is the present method by which the citizens of the Nation share in wealth nationally owned and privately developed. I do not see why an exception should be made in the case of the residents of any three States. There should be no exceptions. If there is to be a shift in the distribution of revenues from Federal domain—all States and the citizens of all States should be treated equitably.

It appears to me indefensible for Congress to protect the equity of the good-faith developers of submerged oil lands by adopting a law that kicks the equity of the majority of the people of the Nation in these lands out the window.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, I am not going to discuss the merits of this bill. My views are briefly stated on the last page of the committee report. The reason I have asked for this time is that I sought to incorporate in my separate views on this legislation certain information which I had obtained concerning the international law aspects of this legislation.

I pointed out in my minority views in the report that there was no witness appearing before the Committee on the Judiciary of the House this year, at least, to discuss the international-law aspect of this legislation.

I wish to point out briefly that the definition of territorial waters which has been a matter of international law and the completely new field of international law dealing with the Continental Shelf seaward from the territorial waters are fields of great importance in international affairs and in international law.

Because of that gap in the information before the House Committee on the Judiciary—and I might say that no representative of the State Department was requested to appear before that committee, although the State Department did appear before the Senate committee considering similar legislation—I requested a colleague of mine, Professor William Bishop, professor of international law at the University of Michigan Law School, to brief me on the international-law aspects of this legislation. I wrote him on March 16, 1953, and received a reply from him on March 24, 1953, to which he attached a paper he gave before the Inter-American Bar Association at its sixth conference in Detroit, Mich., on May 19, 1949, entitled "The Exercise of Jurisdiction for Special Purposes in High Seas Areas on the Outer Limit of Territorial Waters."

It seems to me it is extremely important that the Members of the House should at least be aware of the problems with regard to the international-law aspects of this legislation before we vote on it. I assure you that the principles here involved are far reaching. My purpose today is to make this information available to the Members of the House early enough in the consideration of this legislation that they may, if they care to, familiarize themselves with the principles involved.

Mr. Speaker, I ask unanimous consent to incorporate my letter to Professor Bishop, and his reply to me, together with a paper accompanying it at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

(The matter referred to is as follows:)

MARCH 16, 1953.

Prof. WILLIAM BISHOP,
University of Michigan Law School,
Ann Arbor, Mich.

DEAR BILL: As you know, the House Judiciary Committee now has before it legislation dealing with the transfer of submerged lands to the States. This is now before a subcommittee of the House Judiciary Committee, but will shortly come before the Full Committee of which, as you probably know, I am a member.

When similar legislation was before the 82d Congress I voted against the transfer from the Federal Government to the States on the general grounds that Congress should not set itself up as a super supreme court to reverse judicial decisions which in its judgment were erroneous. Nor should it make donations of national wealth belonging to all the people of the United States to the citizens of just a few States.

I read the Supreme Court's decisions in the Texas-California and Louisiana cases, and it seemed clear to me that those cases held that rights, sovereignty, power, dominion, title, property or what have you, were in the Federal Government rather than in the States adjacent to the submerged lands. Although the reasoning did not appear too clear and the holdings were somewhat vague, I regarded these decisions as a final adjudication of property rights based upon consideration of principles of Constitutional and international law.

During the hearing in the current Congress, it struck me that we are dealing in a field which does not have a great deal of clearly established principles and precedents. Although the interest is concentrated on minerals under the submerged lands, there might be consideration concerning the waters above those lands and control of the air above the waters. I would be very much interested in knowing what landmarks have been established in international law that would shed some light on proper thinking with respect to submerged lands legislation. If you have ideas on the subject or can refer me to discussions which in your opinion contain sound reasoning, I think it would be helpful in my thinking in arriving at a sound conclusion, or in anything I may say concerning the present submerged-lands legislation.

I am enclosing excerpts containing the statements I made during the last Congress on this subject and would appreciate your criticism and comments.

Sincerely yours,

GEORGE MEADER,
Member of Congress.

UNIVERSITY OF MICHIGAN LAW SCHOOL,
Ann Arbor, March 24, 1953.

Hon. GEORGE MEADER,
House of Representatives,
Washington, D. C.

DEAR GEORGE: This is in response to your good letter of March 16, 1953, asking for my views on the international law aspects of the pending legislation having to do with the transfer to the States of the submerged lands.

I am happy to say that I am in general accord with the position which you take in your letter, as well as with the statements which you made on the floor of the House on July 30, 1951, and May 15, 1952, and in your press release of March 4, 1953.

My own feeling is that in *United States* v. *California* (332 U. S. 19 (1947)) and *United States* v. *Louisiana* (339 U. S. 699 (1950)), the Supreme Court came to a conclusion with which I could not agree in view of its departure therein from the long line of Supreme Court cases beginning with *Pollard's Lessee* v. *Hagan* (3 How. 212 (U. S. 1845)). I believe that the Supreme Court decision in *United States* v. *Texas* (339 U. S. 707 (1950)) was definitely erroneous, in view of the arrangements between the United States and the Republic of Texas pursuant to which the latter was to retain its public lands when it became a State in the Union. Indeed, I even took a small part on the Texas side of the latter litigation, concurring in the conclusions of the joint memorandum dated July 14, 1950, and filed with the Supreme Court in support of the petition for rehearing. [As you may be aware, that memorandum, and various articles about the special situation in *United States* v. *Texas*, are conveniently published in Third Baylor Law Review 115, 319 (winter issue, 1951).] But, although I do not feel that these cases were correctly decided, I share your doubts as to the Congress setting itself up as a body to reverse the Supreme Court, and as to the wisdom of turning over to certain States what the Supreme Court has found to be the property (or something approaching property) of the Nation.

Turning to your specific inquiries relating to the international law aspects of this question of submerged coastal lands, I would urge first that it does not appear to make any difference with respect to our international law rights or international law duties, whether as a purely domestic or intranational matter the ownership, control, paramount rights, or what have you, with respect to these submerged coastal lands belongs to the several State governments or to the Federal Government, or were even owned in fee simple by private individuals. Political control, sovereignty, territorial authority, or whatever term one may use to describe the powers of the United States over its territory when viewed from the international law standpoint, clearly does not require that the national government have ownership in the private-law sense of all of the property within that territory. From the international law standpoint, I suppose no one would doubt that the United States has just the same sovereignty or territorial authority over my own small house and lot in Ann Arbor, or over the State-owned campus of the university, as it does over the United States post-office downtown which is owned by the United States. Ownership by the United States Government is not a a prerequisite to sovereignty or territorial authority, while indeed United States Government ownership of property in foreign countries (such as military cemeteries) does not carry with it sovereignty or territorial authority over such pieces of property. So far as I can see it, it makes no difference whether the property concerned is a house and lot, or the subsoil of the sea; ownership is one thing, and territorial sovereignty is another, and loss of one does not mean loss of the other.

Secondly, although from the standpoint of international law or international relations it would appear to make no difference whether the States or the Federal Government have property (or property-like) rights in the submerged coastal lands, yet it does seem to me very important that any action which Congress may see fit to take with respect to the domestic question of title to such lands should not be in terms inconsistent with the international position which the United States has taken, or wishes to take, as a nation in its relations with foreign countries. It is here that considerations of international law really do come into play in this matter, and I would suggest that it may be very difficult to have any action taken by Congress in this field which may not have undesirable repercussions upon our international controversies with other countries. As I see it, the proposed submerged-lands legislation may give rise to such international complications and with respect to the extent of territorial waters, and with respect to the nature and scope of rights which may lawfully be claimed by a nation regarding its continental shelf and the superjacent waters.

Unintended consequences may result from what the proposed legislation will do in drawing a boundary line (whether 3 marine miles, or 9 marine miles) between those lands transferred or returned to the States and lying inside such limit, and the lands remaining under Federal ownership or paramount control because they lie outside that limit. Here the trouble is that in any such legislation we must make a formal selection of some particular limit, which other countries will then be prone to consider an official statement by the United States of the limit of territorial waters. It may be possible to guard in part against undesirable consequences by appropriate disclaimer of any intention to deal with the limit of territorial waters. As I see it, if we make the limit 3 nautical miles along our entire coast, that would be no more than repeating our usual stand that the maximum breadth of territorial waters is 3 marine miles; and I suppose we have said that often enough so that no real additional embarrassment would result from saying it again, even if at some time within the next few years we might as a nation wish to change our minds and to advocate a broader belt of marginal seas in view of some of the inadequacies of the 3-mile limit. However, I understand that (except off California) the really important deposits of oil lie outside the 3-mile limit, and strong pressures are likely to give the States more than just the seabed and subsoil within 3 miles. Furthermore, in the case of Texas, pressures will be very strong indeed to draw the line at least as far from shore as 9 marine

miles (approximately 10½ statute miles), and this with considerable justification. I believe it can be shown that Texas as an independent republic, like Mexico before and since the independence of Texas, claimed as her own territorial waters 9 miles rather than 3; and I don't think that at the time of the annexation of Texas in 1845 customary international law on that point had developed to the point where it was internationally unlawful for a nation to claim 9 miles. [You will remember, for example, that the Treaty of Guadalupe Hidalgo of 1848 between the United States and Mexico, ending the Mexican War, provided that the boundary between the United States and Mexico "shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande."] Now if we do in an act of Congress choose the 9-mile limit off Texas, I'm afraid that we will give great encouragement to various other nations that currently insist on claiming as their own territorial waters a belt of 5 or 6 or 9 or 12 nautical miles off their shores. Mexico, in particular, has frequently interfered with American shrimpers and other fishing vessels operating more than 3 but less than 9 nautical miles off the Mexican coast, and in dealing with such actions the United States has insisted that 3 nautical miles was the outer limit of Mexican territorial waters. According to the press, we are now trying to get the release of a number of shrimping vessels held by Mexican authorities at Campeche. It is well known that our shrimp fishermen in the Gulf of Mexico, and our California and Oregon tuna fishermen in the Pacific, find it highly desirable, if not essential, to engage in fishing operations not far outside the 3-mile limit off Mexico and countries to the south. I believe that any legislation enacted by Congress at the present time which might indicate United States approval of a 9-mile claim by Texas, and thus impliedly of that by Mexico as her predecessor-in-title, would jeopardize the chances of our Department of State in working out any satisfactory solution with Mexico regarding the status of our fishermen operating near the Mexican coasts. On this point I fully concur in the statement of Jack B. Tate, Deputy Legal Adviser of the Department of State, as reported in the press.

Please do not understand me to be saying that I believe that under contemporary international law the 3-mile limit is so well established as to be clearly binding against a nation, like Mexico or Norway, that has always claimed more than 3 miles. I don't think that the International Court of Justice would today hold that Mexico violates international law in maintaining its claim to 9 nautical miles and in enforcing it against vessels and nationals of the United States. Although the United States and Great Britain, and generally the nations with large seagoing tonnage which wishes to operate close to other nations' shores, have maintained that 3 miles was the international law limit, it seems to me significant that in the so-called liquor treaties concluded by the United States between 1924 and 1930 it was only Great Britain, Germany, Panama, the Netherlands, Cuba, and Japan whom we could get to agree on 3 miles as the proper limits of territorial waters; while in our treaties concluded with Sweden, Norway, Denmark, Italy, France, Belgium, Spain, Greece, Chile, and Poland, it was necessary to substitute the provision that the parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction. During the League of Nations Conference for the Codification of International Law, convened at The Hague in 1930, it appeared that Canada, China, Denmark, Greece, India, Iran, Japan, the Netherlands, South Africa, United Kingdom, and the United States all advocated the 3-mile limit; while 3 miles plus an additional contiguous zone was supported by Belgium, Chile, Egypt, Estonia, France, Germany, and Poland. At the Conference Finland, Iceland, Norway, and Sweden proposed 4 marine miles, Finland and Norway favoring an additional contiguous zone. Brazil, Colombia, Italy, Rumania, Spain, Uruguay, and Yugoslavia favored 6 nautical miles, as did Cuba, Latvia, and Turkey if a further contiguous zone was added. Portugal sought 12 miles. (On this, see I Hackworth, Digest of International Law, 628–630.) According to data gathered in 1951 by S. W. Boggs, a geographical expert of the Department of State, and published in his article, National Claims in Adjacent Seas, 61 Geographical Review 185 (1951), 3 nautical miles was regarded as the proper limit of territorial waters by Australia, Belgium, Burma, Canada, Ceylon, China, Costa Rica, Cuba, Dominican Republic, Germany, India, Indonesia, Ireland, Israel, Japan, Korea, Liberia, Netherlands, New Zealand, Rumania, South Africa, Thailand, and the United Kingdom. He classifies as claiming 3 miles plus contiguous zones for special purposes, Argentina, Brazil, Cambodia, Chile, Denmark, Ecuador, El Salvador, France, Laos, Nicaragua, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Turkey, the United States, Venezuela, and Vietnam. He lists 4 miles as claimed by Finland, Iceland, Norway, and Sweden (all within contiguous zones also), and perhaps as the Danish claim. Uruguay is given as claiming 5 miles; while Bulgaria, Haiti, and Saudi Arabia are classed as claiming 6, and 6 miles plus a further contiguous zone is listed for Egypt, Greece, Honduras, Iran, Italy, Lebanon, Spain, Syria, and Yugoslavia. According to Dr. Boggs, Mexico claims 9 miles, and Colombia, Guatemala, and the Soviet Union claim 12 miles. (The Soviet claims to 12 miles have been much in mind of late, while it can be seen from I Hackworth, Digest of International Law, 634–636, that such Russian claims antedate the 1917 revolution.) With this lineup of nations for and against the 3-mile limit, I think it very doubtful whether the United States could persuade the International Court of Justice today that the Mexican claim of 9 miles, or even the Soviet claim of 12 miles, clearly violates customary international law. But the point I am trying to make is that any action by the Congress which lends support to the 9-mile view through its treatment of submerged lands off Texas, would seem to put our negotiators in a much poorer position, giving encouragement and support to the Mexican contention that they can seize our shrimpers and tuna boats between 3 and 9 marine miles off Mexico, and perhaps even to the Soviet contention that our vessels and planes must not approach within 12 marine miles of Soviet shores without express permission. If Congress wants to take this risk, I would submit that it should only be after a full understanding of the complications involved.

The other sphere in which the proposed legislation might run into international law difficulties for the United States would be that of control over the Continental Shelf and waters above it, which lie clearly outside of what is claimed as territorial waters. Here we are dealing with a new and rapidly evolving concept in international law, which received its first official impetus from the two Truman proclamations of September 28, 1945, dealing respectively with the resources of the Continental Shelf and with coastal fisheries. On this subject you may find of interest the enclosed mimeographed copy of a talk which I gave to the Inter-American Bar Association at its Detroit meeting in 1949. Incidentally, I believe no confidence is violated when I say that as an Assistant to the legal adviser of the Department of State I played some part in connection with the 1945 proclamations, and that to the best of my recollection the main themes of my talk before the Inter-American Bar Association are in harmony with the thinking current in the Department of State at the time these proclamations were issued.

In that talk I was trying to point out the thinking behind, and the justifications for, the policy of the United States expressed in the proclamations; and I was also trying to show that the action taken by various Latin American countries (to some extent Mexico, but especially Peru, Chile, Costa Rica, and Argentina), in asserting that both the resources of the Continental Shelf, and all the water above, were part of their territory and completely subject to their control save for a right akin to that of innocent passage through admitted territorial waters, went way beyond anything the United States had done or advocated. So far as the seabed and subsoil are concerned, most of the Latin American Republics, the Persian Gulf countries, and a few others such as Pakistan and Philippines, have taken action asserting authority over oil and other resources of the Continental Shelf. I think there has been no serious protest by any foreign government so far as that is concerned, and I see no real violation of international law in such claims to the seabed and subsoil (whether asserted in terms of "sovereignty," "ownership," etc., as in some countries, or in the more cautious words of "appertaining to" and "subject to its control and jurisdiction" used in the United States Continental Shelf proclamation). On the other hand, once the claims begin to include the right to control fishing and the waters themselves which are above the Continental Shelf, and to assimilate those waters to ordinary territorial waters even though they may extend 200 miles from shore rather than 3 or 9 or 12, we get to the point where the freedom of the seas is seriously interfered with, and where justification in present day international law cannot be found, unless the assertion of control is narrowly limited (as in the United States coastal fisheries proclamation, which is limited to substantially developed fisheries and which brings the state of the fishing vessels in on a par with the coastal State in the regulating and controlling). You will recall that the United States and Great Britain are both reported to have protested strongly to the assertions of jurisdiction over seabed and superjacent waters by Chile, Peru, and Argentina. I am happy to see that the United Nations International Law Commission, in trying to draw up articles relating to the Continental Shelf and related topics, follows quite closely the position of the United States (you will find those articles appended to the mimeographed version of my talk).

Thus here, again, we have a difference of opinion between the United States and various Latin American countries regarding control over the Continental Shelf and superjacent waters. I would urge that any congressional action which might lay claim to the Continental Shelf beyond the three—or nine—mile limit, and refer to it as property of the Federal Government, should be carefully scrutinized to avoid inadvertant support to Latin American contentions which the United States regards as violating international law. At the present stage of technology and actual exploitation of oil, no one is too much concerned if under claims to the Continental Shelf by the coastal State a foreigner is prevented from drilling for oil or taking minerals without the permission of the coastal State. I see no harm likely to result from any actions or statements which might reiterate the coastal States' rights over resources of the seabed and subsoil of the Continental Shelf, even if Congress were to use terms expressive of ownership or sovereignty rather than the more cautious language of the 1945 proclamation. On the other hand, Americans have long fished—and want to keep on fishing—not very far out on the high seas from the coasts of foreign countries—both Newfoundland and the Republics to the south—and if we do anything

to encourage the idea that the coastal State can control fishing on the Continental Shelf without the State of the fishing vessels having an equal say in the regulation and control of such fishing outside narrowly defined territorial waters, then I think we'll be acting directly contrary to our own United States interests. I am sure that you will perceive in the 1945 proclamation on coastal fisheries the attempt to safeguard fishing for salmon and halibut off Alaska and British Columbia—the latter, in particular, under a most successful conservation treaty with Canada—and at the same time avoid being cut out of our share in laying down any controls by the coastal nations over fishing by our vessels off Mexico and countries to the south, or off Newfoundland and the other northeastern fisheries. If Congress is going to adopt any legislation with respect to the submerged coastal lands, I hope that great care will be used to avoid hurting the United States position or aiding that of Mexico, Peru, Costa Rica, etc., in dealing with fisheries on the Continental Shelf but outside territorial waters. Indeed, in the present formative stage of international law with respect to the Continental Shelf and to fishing controls in contiguous zones of the high seas, I would submit that greater care may be necessary in this field than with respect to the line limiting territorial waters.

I fear that the foregoing may set forth my ideas at greater length than you will want, but I hope they may be of some use to you. Insofar as articles, etc., are concerned, I believe that most of my views are expressed in the enclosed talk before the Inter-American Bar Association. On the international law aspects of the Continental Shelf, the fullest published treatment seems to be in M. W. Mouton, The Continental Shelf (1952), a book in English by a Dutch naval officer which won the Grotius prize in 1952. Much briefer, but perhaps useful as a general introduction, I would recommend on the Continental Shelf an article by Richard Young, Legal Status of Submarine Areas Beneath the High Seas, 45th American Journal International Law, 225 (April 1951); and on coastal fisheries Charles Selak, Recent Developments in High Seas Fisheries Jurisdiction Under the Presidential Proclamation of 1945, 44 ibid., 670 (October 1950). There is a full bibliography in Mouton's book.

Hoping that this may be of some value to you, and with best personal wishes,

Sincerely yours,

BILL,

William W. Bishop, Jr.,
Professor of Law.

THE EXERCISE OF JURISDICTION FOR SPECIAL PURPOSES IN HIGH SEAS AREAS BEYOND THE OUTER LIMIT OF TERRITORIAL WATERS (E. G., CONSERVATION, ETC.)

(Paper prepared by William W. Bishop, Jr., professor of law, University of Michigan Law School, Inter-American Bar Association, sixth conference, Detroit, May 1949)

COMMITTEE X, THEME 2, TERRITORIAL WATERS AND OCEAN FISHERIES

I have been asked to discuss the exercise by a nation of jurisdiction for special purposes in contiguous zones of the high seas lying beyond the outer limits of territorial waters. I shall not attempt to touch upon one aspect of this problem which is of major interest to federations, like the United States, where great concern arises over the domestic constitutional issue whether the central Government, or those of the several States, should exercise such jurisdiction. Furthermore, my topic differs from that of the breadth of territorial waters. The exercise of jurisdiction in contiguous zones of the high seas becomes necessary in view of the inadequacy under modern conditions of any reasonable breadth of territorial waters; whatever we may regard as the breadth of marginal sea now accepted under international law, there are occasions and purposes for which jurisdiction must be exercised farther out from shore. This differs from an attempt to declare such areas territorial waters subject to the full sovereignty of the coastal state.

The efforts of the League of Nations toward codification of the law of territorial waters, culminating in the failure to achieve agreement at the Hague Codification Conference of 1930, points to the present unsettled condition of international law on this subject.[1] The replies of the various governments and their views at the conference showed agreement that a state has sovereignty over a belt of sea around its coast (subject to the rights of innocent passage and refuge in distress), but no agreement as to the breadth of this belt. No state disputed that territorial waters extend at least 3 nautical miles from shore, but many insisted upon 4 or 6 miles, while others requested 12, or in 1 or 2 cases 15 or 18 miles. Quite a number favored, in principle, a contiguous zone on the high seas, outside territorial waters, in which the coastal state might exercise jurisdiction for certain purposes. A majority of states taking part in the 1930 conference refused to recognize 3 miles as the outer limit of territorial waters prescribed by international law. Equally noteworthy, there was no disposition on the part of more than 2 or 3 to insist upon a breadth greater than 6 nautical miles as the limit of the territorial waters under the sovereignty of a state. No claim was made to more than 18 miles. Having in mind the work at The Hague, one may say that international law permits the exercise of full sovereignty over a belt of territorial waters extending from shore at least 3 nautical miles, but not more than 12 (more likely 6); and that many favor an adjacent zone or zones in which jurisdiction may be exercised for special purposes, although such zones would remain part of the high seas rather than becoming territorial waters.

This notion of a contiguous zone is nothing new. Almost as early as the attempts to fix upon the breadth of the marginal sea, we find jurisdiction asserted for defense purposes and for the prevention of smuggling, over areas outside those claimed as territory. The British Hovering Acts of 1736 and 1784, and the United States statute of 1790, declared jurisdiction for customs purposes as extending out four leagues.[2] Similar legislation may be found in many countries.[3] In the case of the other American Republics, it appears that jurisdiction for customs purposes is exercised beyond territorial waters, out to 12 miles by Argentina, Chile, Ecuador, Mexico, El Salvador, and Venezuela.[4] Such jurisdiction to prevent smuggling, over a reasonable extent of the high seas outside a state's territorial waters, appears to have become accepted in international practice. As Chief Justice Marshall stated in *Church v. Hubbart* (2 Cr. U. S. 187 234 (1804): "its (a nation's) power to secure itself from injury may certainly be exercised beyond the limits of its territory. * * * Any attempt to violate the laws made to protect this right, is an injury to itself which it may prevent, and it has a right to use the means necessary for its prevention. These means do not appear to be limited within any certain marked boundaries, which remain the same at all times and in all situations. If they are such as unnecessarily to vex and harass foreign lawful commerce, foreign nations will resist their exercise. If they are such as are reasonable and necessary to secure their laws from violation, they will be submitted to."

During the regime of prohibition in the United States, it became necessary to specify by treaty the distance from shore within which authorities might search and seize foreign vessels smuggling alcoholic liquor. Sixteen of these "Liquor treaties" were concluded between 1924 and 1930, under which it was agreed that the United States might exercise control for their purpose within one hour's sailing distance from shore.[5] These were not regarded as extending territorial waters but as recognizing the right to take action upon the high seas necessary for enforcement of the laws prohibiting importation of liquor. Likewise, in 1925 the 11 Baltic states concluded a convention to prevent smuggling liquors, under which 12 miles was accepted as a permissible limit for enforcement measures.[6]

In 1935 the United States Antismuggling Act (49 Stat. 517) provided that in case vessels of countries which had no liquor treaties with the United States were hovering off the coast, under Presidential action customs-enforcement areas might be established extending not more than 100 miles from the place where the vessel was hovering.[7] No indication has been found of objection by any other government to action taken by the United States under this 1935 statute, though jurisdiction may be exercised as far as 62 nautical miles from shore.

Security and defense form another sphere in which modern conditions necessitate control over high seas areas well beyond territorial waters. Although the original attempt to define the limit of territorial waters by cannon shot (deemed equal during the 18th century to 3 nautical miles) was intimately connected with the safety of neutral coastal states from the action of belligerent vessels, during the 19th century there was little disposition to increase the extent of territorial waters as weapons improved. Even during the war of 1914–18, to say nothing of World War II, the range of modern projectiles greatly exceeded the most extensive claims to territorial waters. Modern naval guns, rockets, aircraft, greatly complicate the problem of protection of the shore against damage consequent upon belligerent action at sea. It became generally recognized that for purposes of self-defense action might be taken on the high seas, but this vague general principle did not attain precision. During the war of 1914–18, Argentina, Brazil, Chile, Colombia, Ecuador, and Peru supported the idea of a declaration by the American Republics that belligerents must refrain from hostile acts near the coasts of the Americas or interfering with the normal maritime routes between the American Republics; but no such action was taken.[8]

Upon the outbreak of World War II, the Foreign Ministers of the American Republics adopted the Declaration of Panama,[9] in which they declared that—

"As a measure of continental self-protection, the American Republics, so long as they maintain their neutrality, are as of inherent right entitled to have those waters adjacent to the American Continent, which they regard as of primary concern and direct utility in their relations, free from the commission of any hostile act by any non-American belligerent."

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[1] League of Nations documents C. 74 M. 39, 1929. V; 1930. V. 7; 1930. V. 9; 1930. V. 16; reprinted in part in 24 A. J. I. L. supp. 25, 169, See also I Hackworth's Digest 691ff.; Reeves, 24 A. J. I. L. 486; Gidel, Droit international public de la mer (1934), vol. 3, passim.

[2] See W. E. Masterson, Jurisdiction in Marginal Seas (1929).

[3] Gidel, op. cit., 361ff.

[4] Gidel, op. cit. 120–122; S. A. Riesenfeld, Protection of Coastal Fisheries under International Law (1942) 231–246.

[5] See I Hackworth's Digest 674–679.

[6] 42 League of Nations Treaty Series 75.

[7] See I Hackworth's Digest 664–667; Jessup, 31 AJIL 101; hearings before House Committee on Ways and Means on H. R. 5496, 74th Cong., 1st sess.

[8] Cf. 1914 Foreign Relations Supplement, 435 ff.

[9] One Department of State Bulletin 331; 34 AJIL, supplement 17.

Such waters were defined so as to extend several hundred miles from shore. Although on several occasions belligerent actions took place within this security zone, and although in response to protests from the American Republics, Great Britain, France, and Germany each declared that it did not recognize any basis in international law for this security zone,[10] the Declaration exemplifies a common agreement by our American Republics that they must and should assert their authority for this purpose over areas far in excess of what they would claim as territorial waters. Similarly, article IV of the Inter-American Treaty of Reciprocal Assistance, signed at Rio de Janeiro September 2, 1947, lays down boundaries of a region containing extensive areas of the high seas within which the parties to the treaty are obligated to assist in meeting armed attacks.

Despite disagreements as to details, we may perhaps say that fairly general recognition has been accorded the lawfulness of exercise of jurisdiction outside territorial waters for defense purposes and to prevent evasions of customs laws. Somewhat similar practices, though less extensive, have been recognized for quarantine and other sanitary measures. Of greater interest, however, is the assertion of jurisdiction for the conservation and utilization of products of the sea and seabed. Just as in the case of enforcement of customs laws or defense during maritime hostilities, it became evident that modern means of exploiting fisheries and mineral resources of the seabed necessitated the exercise of control farther from shore than it was necessary or desirable to have sovereignty for all purposes. The tremendously increased need for the food and mineral resources of the ocean resulting from World War II, the discovery of petroleum in shallow waters beyond the territorial sea and the development of equipment and methods for oil wells drilled in the bottom of the sea, the development of the factory ship and other technological advances in fishing which threaten extermination to certain fisheries, the extensive Japanese fishing activities carried on or proposed off the west coast of the Americas, and the proven success of such fisheries conservation regimes as that for Pacific halibut by the United States and Canada, or the Behring Sea fur seals since 1911, were factors which brought to the fore between 1935 and 1945 the problem of jurisdiction for the utilization and conservation of resources of the sea and seabed. It became necessary to consider how legitimate interests of the coastal state and of other states might best be protected, how such resources might be prudently utilized for today's needs and conserved for tomorrow, without violation of international law. Having in mind the consensus of states expressed at The Hague in 1930, it will be seen that any attempt to meet this problem by unilateral extension of territorial waters would meet great opposition if the extension were far enough to be effective. Furthermore, even if the extension of territorial waters might have gone far enough, and have been accepted by international law, such a step would have entailed numerous unwanted consequences, such as responsibility to other states for what happens in such waters to the injury of those states or their nationals. On the other hand, experience has shown the great delays and difficulties of getting international agreements among substantially all the countries of the world for a change in international law; the delay could not be risked. Though many urged extension of territorial waters as the only method, most of what was wanted could be obtained, without violation of international law and without the unwanted concomitants, through the assertion of jurisdiction for specified purposes over areas which remained high seas—just as had been done in the past for defense purposes and to prevent smuggling. Let us see how this might be, and was done.

In this development of jurisdiction over high seas areas for conservation and utilization of resources, so far a development confined to the Western Hemisphere, the United States took the lead. In President Truman's proclamations of September 28, 1945,[11] a clear distinction was made between jurisdiction over the resources of the seabed and subsoil, and over the fishery resources of the sea. The proclamation relating to the subsoil and seabed recited that "it is the view of the Government of the United States that the exercise of jurisdiction over the natural resources of the subsoil and seabed of the Continental Shelf by the contiguous Nation is reasonable and just, since the effectiveness of measures to utilize or conserve these resources would be contingent upon cooperation and protection from the shore, since the Continental Shelf may be regarded as an extension of the land mass of the coastal Nation and thus naturally appurtenant to it, since these resources frequently form a seaward extension of a pool or deposit lying within the territory, and since self-protection compels the coastal Nation to keep close watch over activities off its shores which are of the nature necessary for utilization of these resources."

The operative portion read:

"Having in mind the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the natural resources of the subsoil and seabed of the Continental Shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control. In cases where the Continental Shelf extends to the shores of another state, or is shared with an adjacent state, the boundary shall be determined by the United States and the state concerned in accordance with equitable principles. The character as high seas of the waters above the Continental Shelf and the right to their free and unimpeded navigation are in no way thus affected."

An accompanying White House press release defined the Continental Shelf as "submerged land which is contiguous to the continent and which is covered by no more than 100 fathoms (600 feet) of water."[12]

This proclamation appears to result from the great need for additional mineral resources (especially petroleum), known to exist under the ocean on the Continental Shelf, where with modern technological progress their utilization is already practicable or will soon become so. Utilization and development, however, cannot proceed with assurance in the absence of some recognized jurisdiction. There is a natural reluctance to make the necessary investments, installing the expensive structures and machinery required for underwater mines or oil wells, until there is a reasonable assurance of title to the products and of governmental protection. Recognized jurisdiction is also required in the interest of conservation and prudent utilization.

No oil wells, mines, or similar installations are understood to be presently operated by foreign enterprises off the coasts of the United States or other countries, except under agreement with the coastal state. Herein the factual situation differs greatly from that of fisheries; for centuries, and in many parts of the world, vessels have fished off foreign shores. In the case of undersea mineral resources no actual operations off foreign coasts would be jeopardized by the assertion of such jurisdiction and control.

Furthermore, it has long been admitted that under international law a state may acquire by occupation and contiguity rights to land beneath the high seas, provided that freedom of navigation is not thereby impaired.[13] For many years, in some cases for centuries, claims have been asserted to the control and exclusive exploitation of such sedentary fisheries as oysters, pearls, chanks, or sponges, on the bed of the high seas off Ceylon, India, Bahrein, Ireland, Tunis, Australia, and elsewhere. These claims appear to have become established by acquiescence and to be acknowledged by other states. The rationale of the open sea being free and forever excluded from occupation is that it forms an international highway connecting distant lands and securing freedom of communications and commerce between states separated by the sea; there is no reason for extending this concept to the seabed or subsoil.

Where the Continental Shelf is shared with an adjacent state (e. g., in the Gulf of Mexico), or extends across the high seas to a foreign country (e. g., Russia across Behring Strait), the determination as to which resources fall to each is left for the future. As it appears that for some time to come installations will be comparatively near shore and that there will be little practical need for delimitation, this may be left to the future when a fair and wise solution can be worked out in the light of actual needs.

President Truman's coastal fisheries proclamation refers to the need for protection and for "improving the jurisdictional basis for conservation measures and international cooperation," calling attention to the "urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal state and of any other state which may be established a legitimate interest therein." It continues:

"In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and maintained jointly by nationals of the United States and nationals of other states, explicitly bounded conservation zones may be established under agreements between the United States and such other states; and all fishing activities in such zones shall be subject to regulation and control as provided in such agreements. The right of any state to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected."

This is no attempt to extend territorial waters, but an exercise of jurisdiction solely to regulate and control fishing in conservation zones which remain part of the high

[10] See VII Hackworth's Digest 702–709; 3 Hyde, International Law (rev. ed. 1945) 2348–2352.

[11] 59 U. S. Stat. L. 884, 885; 40 AJIL Supp. 45, 46. Sea comments by E. Allen, 21 Wash. Law Rev. 1; Bingham, 40 AJIL 173; Borchard, ibid. 53; Vallat, 23 Brit. Y. B. Int. Law 333.

[12] 13 Dept. of State Bulletin 484.

[13] I Opperheim's International Law, secs. 287bb, 287c; Hurst 1923–23 British Yearbook of International Law 34.

seas. This proclamation is not in terms of the Continental Shelf nor limited by the depth of water. It is confined to areas in which, when jurisdiction may be exercised, fishing activities have been developed and maintained on a substantial scale; thus dealing with practical problems of real fisheries and excluding areas in which no conservation needs have arisen. It is based on the concept that the state or states concerned in each fishery should be the ones to regulate and control that fishery. If, in such an area, vessels of the coastal state have been the only ones to fish, the coastal state is the proper one to do the regulating. In areas where vessels of some other state have also fished, that state should join with the coastal state in determining how the fishery should be controlled. Thus, in the region off Alaska and Canada where the United States and Canada have built up the Pacific halibut fisheries, fishermen of each nation fishing in the high seas off the other's shores as well as off their own, the two states by joint agreement may establish and enforce conservation regulations, which must be followed by anybody fishing in such areas, even if he be from a third state. By the very terms of this proclamation, the United States indicated that it would gladly recognize the establishment of similar conservation zones by other countries, but only where similar protection is accorded interests of United States nationals who may have fished off the shores of such countries. Not propinquity alone, but propinquity plus established fishing activities, form the basis for the jurisdiction asserted by the United States or acknowledged by it in this proclamation.

It has become clear that new methods in fishing, utilizing the factory ship, newer types of vessels and technical devices, modern refrigeration facilities, and the like, contribute to intensified exploitation over wide areas, and have already seriously endangered certain fisheries. Experience with conservation controls has shown that careful regulation may permit an increasing yield from fisheries without endangering the maintenance of the stock. Equity and justice require that natural resources which have been built up by systematic conservation and self-denying restricted utilization, together with the industries based upon them, be protected from destructive exploitation by interests which have not contributed to their growth and development. It has likewise become apparent that fisheries differ markedly in the species, abundance, and other characteristics, from area to area, and that conservation measures must be diversified and adapted to conditions peculiar to each region. Regulatory arrangements for a particular fishing area or region can best be made among the states whose continued use of or relative proximity to the affected resources gives them both the interest and the intimate knowledge necessary for wise and effective control. Such conservation measures cannot achieve full success unless they are made applicable to all persons and vessels of whatsoever nationality engaged in fishing in the area.

The fisheries proclamation appears to be based upon the premise that reasonable and just bases for the exercise of jurisdiction over the fisheries of an area of the high seas off the coasts of a state may be found in the following factors: (a) proximity to that coast; (b) development and maintenance of well-established fishing activities on a substantial scale by a state's nationals; (c) the absence in that area of any well-established fishing activities on the part of nationals of states other than those seeking to exercise such authority; and (d) the existence of established conservation practices, or the need for such practices, in relation to fisheries of the area in question.

Upon consideration of the more important high seas fisheries of the Americas, it is evident that in each fishery only a limited number of countries, often only 1 or 2, have any real or considerable interest. In case the states having a real interest in each fishery, by reason of contiguity or substantial participation, agree upon and establish a regime of conservation and regulatory control for that fishery, it should have a good chance for success, and other states would seem to have no valid reason to object to the measures taken by the states primarily concerned. If and when the nationals of such other state shall have taken part on a substantial scale in such a fishery, then the time becomes ripe for their government to join in the control. One feature of this United States policy likely to win support, is its recognition of the rights of all states having any real concern in each concrete situation. Acquired rights and established activities are safeguarded. In the absence of oil wells or mines on the Continental Shelf off another state's shores, except under agreement with the coastal state, the question does not arise practically for mineral resources. In the case of fisheries, all interests built up by hard work over a period of years receive protection; in the establishment of conservation regimes those who have built up a fishing industry through their toil share with the coastal state. At the same time, merely theoretical privileges, to engage in a fishery at some future time, are not allowed to stand in the way of real conservation needs. Under the United States policy, Canada is accorded the right to join with the United States in the regulation of the halibut fisheries off Alaska in which Canadians have participated, while the United States maintains its right to share with Mexico and other good neighbors to the south in the regulation of the tuna fisheries in high-seas areas off their coasts in which United States vessels have played so important a part. But in cases like these the joint efforts of the United States and Canada for the protection of halibut, or of Mexico and the United States for the conservation and utilization of tuna, need not be obstructed by the inability of these parties actually concerned, to obtain universal acquiescence in the conservation regime by states like Norway or Switzerland, whose vessels have never attempted to fish in the areas affected. From the theoretical standpoint, a change in international law may require worldwide agreement of nations; from the practical standpoint, conservation needs cannot be made to await the approval of states having no real interest in the particular fishing activities to be regulated. It may be suggested that this attitude is in accord with Professor Brierly's suggestion that the future development of international law is likely to be facilitated more through the working out of fair and just solutions for particular situations, acceptable to the parties concerned, than through efforts to reach agreement on uniform general rules of worldwide application.[14]

No extension of territorial waters is envisaged in the United States proclamation, but rather the establishment of conservation zones in areas of the high seas which retain their legal character as such. The freedom of their use for navigation and other purposes aside from fishing remains unaffected. These measures looking solely to the conservation and economic utilization of marine resources are not to be regarded as in conflict with the general principles and underlying postulates of international law—however much one might question unilateral attempts to subject an extended area of the sea to sovereignty as territorial waters.

[14] Brierly, 7 Nordisk Tiddskrift for International Ret, Acta Juris Gentium 3 (1936).

The President of Mexico issued a declaration on October 29, 1945, referring to the mineral and fisheries resources of the Continental Shelf and waters off Mexico, and to the necessity of protecting them from immoderate and exhaustive exploitation; for these reasons, "The Government of the Republic recovers all the Continental Shelf or platform adjacent to its coastline and each and every natural resource, known or unknown, found therein, and is moving toward that vigilance, use and control in the zones of fisheries protection necessary to the conservation of such a source of well-being." The Continental Shelf was defined as the area less than 200 meters deep. It added that this "does not imply that the Government of Mexico intends to fail to recognize legitimate rights of third parties on a basis of reciprocity or that the Government of Mexico intends to affect legitimate rights of free navigation on the high seas since the only thing it seeks is the conservation of these resources for the national, the continental and world well-being." [15] Proposed amendments of pertinent articles of the Mexican Constitution are understood to be pending in Congress.

By a presidential decree of October 11, 1946, Argentina declared that "the Argentine epicontinental sea and Continental Shelf are subject to the sovereign power of the nation," although "for purposes of free navigation, the character of the waters * * * remains unaffected." This decree stated that the United States and Mexico had "issued declarations asserting the sovereignty of each of the two countries over the respective peripheral epicontinental seas and continental shelves," and that "implicitly accepted in modern international law" is the doctrine that "conditional recognition is accorded to the right of every nation to consider as national territory" the surrounding sea and Continental Shelf.[16]

Press reports indicate that on May 1, 1947, the Nicaraguan Congress extended national sovereignty over the Continental Shelf, out to 200 meters depth; and documents are not available.[17] *

A declaration by the President of Chile on June 23, 1947, asserted that the United States, Mexico, and Argentina had proclaimed categorically the sovereignty of those states over the Continental Shelf adjacent to their coasts, and over the adjacent sea throughout the extent necessary in order to preserve for those states the ownership of the natural resources therein." It added that, "the international consensus recognizes in each country the right to consider as its national territory all the extent of the epicontinental sea and the adjacent Continental Shelf." Consequently, the Chilean Government confirms and proclaims national sovereignty over all the Continental Shelf adjacent to the continental and island coasts of the national territory, whatsoever may be the depth, thus protecting all the natural resources that exist above the said Shelf, in it, and beneath it, known or which may be discovered. Furthermore, Chile "confirms and proclaims national sovereignty over all the waters adjacent to its coasts, whatever may be their depth, to the full extent necessary to reserve, protect, conserve, and make use of the resources and natural wealth of any sort which may exist above such seas, in them, or beneath them, placing under Government supervision especially the fishing and marine-hunting industries." The zones of protection are to extend to 200 nautical miles

[15] El Nacional (Mexico), October 30, 1945.

[16] Boletin Oficial de la Republica Argentina, December 5, 1946; English translation 41 AJIL supp. 11.

[17] New York Times, May 2, 1947.

* The Nicaraguan Constitution of 1948, art. 2, provides that Nicaraguan territory "includes * * * the Continental Shelves."

from the coast. Finally, the declaration states that it "does not disregard similar rights of other states on the basis of reciprocity nor the rights of free navigation on the high seas." [18]

On August 1, 1947, a Peruvian presidential decree, very similar in wording to the Chilean, declared "national sovereignty and jurisdiction" over the Continental or Insular Shelf, regardless of depth, and "over the sea adjacent to the coasts * * * to the full distance necessary to reserve, protect, conserve, and utilize the resources" thereof. A 200-nautical-mile limit was set, and the decree states that it "does not affect the right of free navigation of ships of all nations, according to international law." [19] A Costa Rican decree-law of July 27, 1948 follows a pattern very close to that of Chile.[20]

These actions of the six Latin American Republics all differ from that of the United States, in that they assert sovereignty over the Continental Shelf, and in their claims to the sea itself.[21] None expressly recognize the right of other states, whose nationals have fished in the areas concerned, to have any voice in the control of the fisheries affected. At least the Argentine, Chilean, Peruvian, and Costa Rican action seem to be assertions of sovereignty over wide areas of high seas as territorial waters, with merely an acknowledgment of the right of free navigation somewhat reminiscent of the right of innocent passage through ordinary territorial waters. Although apparently the more cautious Mexican declaration may not be clear as to what "legitimate rights of third parties" are to be recognized by Mexico "on a basis of reciprocity," this may be presumed to make provision for any other states whose vessels have engaged in legitimate fishing operations in the high-seas areas sought to be subjected to Mexican control. On the other hand, it would appear from their wording that the Chilean and Costa Rican provisos recognize merely the similar rights of other states to assert control over waters off their own shores, and that these two states (like Peru, whose decree has no such proviso) take no account of existing interests of other nations resulting from the building up and maintenance of a fishing industry on the high seas well off the coast. In the Argentine, Chilean, Peruvian and Costa Rican documents the references to the assertion by the United States of sovereignty over the epicontinental sea would suggest a misapprehension of the purport and effect of President Truman's proclamations. These documents also indicate greater confidence than appears justified, as to the acceptance in international law of claims of sovereignty over wide areas of the high seas.

How far do these several efforts to assert jurisdiction or even sovereignty over the Continental Shelf and wide areas of the high seas appear to be in conformity with international law? What reception may they expect? The United States proclamations, at least—perhaps also the Mexican—are restricted to the assertion of a jurisdiction resembling that already acknowledged as proper for customs and defense purposes. This method of achieving the desired result of conservation and controlled utilization of resources conforms much more closely to generally accepted international law and practice than would those actions which might be construed as unilateral attempts to assert full sovereignty over wide areas of the high seas—practically equivalent to an extension of territorial waters far beyond anything likely to be considered as in conformity with international law. (It can hardly be contended that the present failure to agree whether 3, 4, 6, or 12 miles is the limit of territorial waters means that a state may with impunity set 100 or 200 miles as its limit.) Actual controversies are far more likely to arise from the more recent decrees and declarations than from those of the United States. By acknowledging the equal right of any state whose nationals have fished on a substantial scale off the coast to join with the coastal state in regulating the fisheries, the United States policy is well designed to prevent controversies from arising, since the only states in any good position to argue that their real interests have been treated unfairly are precisely the ones who join in taking action. Finally, it may be predicted that the exercise of jurisdiction through measures clearly designed for conservation and optimum utilization of resources makes a far stronger appeal to the sense of right and justice upon which law is founded than would any use of this jurisdiction for purposes less clearly necessary for the common good of all states concerned.

In conclusion, may I suggest that these several efforts to deal with jurisdictional problems of the Continental Shelf and the conservation of high seas fisheries off the coast should be carefully examined to understand their legal bases and philosophy; and add that, on the basis of such examination, it would appear that the method followed in the United States Proclamations of 1945 combines success in achieving the desired degree and type of control, with freedom from the objectionable features of an assertion of full territorial sovereignty. A surgeon's knife may succeed in cutting out the tumor with less pain and damage to sound flesh than would a hatchet. I would, therefore, propose that this committee resolve—

"That careful consideration be given in the American Republics, especially in those which have not yet taken action to extend their jurisdiction over the Continental Shelf or offshore fisheries, to the legal theory and bases of the various methods by which the desired results may be obtained;

"That, insofar as possible, existing actions be construed, and new actions be framed, so as to afford the necessary protection and control, without violation of international law and without interference with the fair and reasonable expectations of other states;

"That, consequently, the legal method followed for this purpose be that of exercising jurisdiction for conservation purposes in areas which remain contiguous zones of the high seas, with full cooperation between the coastal state and other states concerned in those situations where one state's enterprises have been conducted on the high seas off the coasts of another state."

NOTE.—This resolution was adopted by the Sixth Conference. In Decree 449, December 17, 1946, regulating the shark fishery, the President of Panama laid down rules for foreign vessels, Art. 3 providing that "The national jurisdiction for the purposes of fishing in general in the territorial waters of the Republic extends to all the area included above the seabed of the Continental Shelf." In decree 96 of January 30, 1950, the President and Council of Ministers of Honduras declared that "the sovereignty of Honduras extends to the submarine platform of the national territory (continental and insular) and the waters which cover it, whatsoever may be the depth at which it is found and the distance which it comprises." No extent is specified for the Pacific, but 200 marine miles is laid down for the Atlantic.

With respect to action claiming control over the sea bed and subsoil, and primarily petroleum therein, by Saudi Arabia, Bahrein, Kuwait, the Trucial Sheikhdoms, Bahamas and Jamaica, see Richard Young, 43 American Journal of International Law 530 and 790 (1949).

In an article in 44 American Journal of International Law 670 (October 1950), C. Selak quotes American notes of July 2, 1948 to Chile, Peru, and Argentine, in which the United States said: "the United States Government notes that the principles underlying the Chilean Declaration differ in large measure from those of the United States Proclamations and appears to be at variance with the generally accepted principles of international law. In these respects, the United States Government notes in particular that (1) the Chilean Declaration confirms and proclaims the national sovereignty of Chile over the Continental Shelf and over the seas adjacent to the coast of Chile outside the generally accepted limits of territorial waters, and (2) the declaration fails, with respect to fishing, to accord appropriate and adequate recognition to the rights and interests of the United States in the high seas off the coast of Chile. In view of these considerations, the United States Government * * * reserves the rights and interests of the United States so far as concerns any effect of the declaration of June 25, 1947, or of any measures designed to carry that declaration into execution."

English texts of the Continental Shelf documents are in United States Naval War College, International Law Documents, 1948-49, p. 182. See further M. W. Mouton, The Continental Shelf (1952): Young, "Legal Status of Submarine Areas Beneath the High Seas," 45 American Journal of International Law 225 (1951); Lauterpacht, "Sovereignty Over Submarine Areas," 1950 Brit. Y. D. I. L. 376; Holland, "Juridical Status of the Continental Shelf," 30 Tex. L. Rev. 586 (1952). It appears that Continental Shelf claims have also been made by Brazil, Guatemala, Salvador, Pakistan, Philippines, Bahamas, Jamaica, British Honduras, and Iceland (fisheries only).

The 1951 report of the U. N. International Law Commission contains these draft articles (45 American Journal of International Law, Supp. 139):

"ARTICLE 1. As here used, the term 'Continental Shelf' refers to the seabed and subsoil of the submarine areas contiguous to the coast, but outside the area of territorial waters, where the depth of the superjacent waters admits of the exploitation of the natural resources of the seabed and subsoil.

"ART. 2. The Continental Shelf is subject to the exercise by the coastal state of control and jurisdiction for the purpose of exploring it and exploiting its natural resources.

"ART. 3. The exercise by a coastal state of control and jurisdiction over the Continental Shelf does not affect the legal status of the superjacent waters as high seas.

"ART. 6. (1) The exploration of the Continental Shelf and the exploitation of its natural resources must not result in substantial interference with navigation or fishing. Due notice must be given of any installations constructed, and due means of warning of the presence of such installations must be maintained.

"(2) Such installations shall not have the status of islands for the purposes of delimiting territorial waters, but to reasonable distances safety zones may be established around such installations, where the measures necessary for their protection may be taken."

"ART. 7. Two or more States to whose territories the same Continental Shelf is contiguous should establish boundaries in this area of the Continental Shelf by agreement. Failing agreement, the parties are under the obligation to have the boundaries fixed by arbitration."

Accompanying articles on "related subjects" provide:

"ARTICLE 1. States whose nationals are engaged in fishing in any area of the high seas may regulate and control fishing activities in such area for the purpose of preserving its resources from extermination. If the nationals of several states are thus engaged in

[18] El Mercurio (Santiago), June 29,1947.

[19] El Comercio (Lima), August 11, 1947; 7 Revista peruana de derecho international 301.

[20] La Gaceta (Costa Rica), July 29, 1948.

[21] See Richard Young, 41 AJIL 849.

an area, such measures shall be taken by those states in concert; if the nationals of only one state are thus engaged in a given area, that state may take such measures in the area. If any part of an area is situated within 100 miles of the territorial waters of a coastal state, that state is entitled to take part on an equal footing, in any system of regulation, even though its nationals do not carry on fishing in the area. In no circumstances, however, may an area be closed to nationals of other states wishing to engage in fishing activities.

"ART. 3. The regulation of sedentary fisheries may be undertaken by a state in areas of the high seas contiguous to its territorial waters, where such fisheries have long been maintained and conducted by nationals of that state, provided that nonnationals are permitted to participate in the fishing activities on an equal footing with nationals. Such regulation will, however, not affect the general status of the areas as high seas.

"ART. 4. On the high seas adjacent to its territorial waters, a coastal state may exercise the control necessary to prevent the infringement, within its territory, or territorial waters, of its customs, fiscal or sanitary regulations. Such control may not be exercised more than 12 miles from the coast."

Mr. COLMER. Mr. Speaker, by request I ask unanimous consent that the gentleman from New York [Mr. FINE] may extend his remarks at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FINE. Mr. Speaker, I am in full accord with the minority report on the legislation now being considered. No one can deny that the object of this bill, H. R. 4198, is to deed to a few States the vast natural resources, which are rightfully the property of all the people of the Nation. The reports are clear and concise in posting adequate warning of the consequences of giving statutory approval to a dangerous precedent which will serve as an opening wedge for the acquisition by a few States of other nationally owned and controlled resources, vital to the health, wealth, and preservation of our Nation, as a whole. I can see no reason whatever which can ever justify the surrender.

If the bill is passed giving the tidelands oil to the States, the loss to the American people will be staggering. Geologists, soil experts and petroleum explorers have assured us that the oil reserves have an estimated value of $40 billion.

The so-called tidelands question is one of the most controversial issues to come before the House in recent years. It does not really deal with the tidelands at all, but with "land" to the seaward of the low water mark, which is always covered by water. It is actually not land at all, but part of the ocean floor, and should more properly be referred to as "submerged" or "offshore" land.

The tidelands have been the subject of much confusion and misunderstanding not all of it unintentional. Before making their decision, the Members of the House should recognize fully the issues involved.

In 1947 and again in 1950, the Supreme Court declared that the Federal Government possessed "paramount interest in and full dominion and power over" the submerged lands. By these decisions, the Court found that the adjoining States do not and never did own the offshore lands, but that the rights to these lands belong to the people of all 48 States. There is no appeal from a decision of the Supreme Court; it is our final legal authority. The submerged lands unquestionably belong to all our people, not to just a few.

The pending bill cannot confirm the title of the States to the submerged coastal lands as it proposes to do, because the States never had any title. It simply makes an outright gift to a few States of submerged lands which are Federal property.

Propaganda about a Federal grab of State property is ridiculous. The Federal Government can hardly be accused of grabbing something it already had. The only grab involved is by those States which have claimed title to the Federal oil reserves and collected royalties on oil withdrawn from them.

There is no more justification for giving the offshore oil lands to those States bordering them than there would be to expect the States bordering the oceans to pay the entire cost of the Navy and the Coast Guard.

If this bill is passed, other special interests will make similar demands. If Congress gives away the submerged oil lands today, we may expect to be approached tomorrow by a swarm of profiteers, greedy for the national forests and the public lands. The end result might well be a raid on our natural resources far greater than the Teapot Dome scandal of the twenties. Nor is the thought a mere figment of the imagination. Already proponents of this bill have suggested that along with the submerged land other national resources belonging to the people shall be taken away.

Many advocates of tidelands legislation have based their stand on the principle of States rights, and claimed that it has nothing to do with the oil reserves involved. Undoubtedly there are sincere men among them. But the compelling force which has brought this bill before the House is not the principle of States rights, but the oil reserves which have an estimated value of $40 billion or more. This was clearly demonstrated when Attorney General Brownell recommended that the Federal Government retain title to the submerged lands, giving the States only the right to develop the oil reserves.

Passage of the tidelands bill would not end the dispute over submerged lands—it would merely begin a new chapter. When Congress overrules a Supreme Court decision by a legislative act, it is inviting a court battle. Plans have already been announced to challenge the constitutionality of the pending bill if it becomes law.

Furthermore, the legislation, if enacted, might well involve us in international disputes. Undersecretary of State Thruston B. Morton declared that provisions of granting territory to some States outside the 3-mile limit "would directly conflict with international law as the United States conceives it."

Mr. Speaker, the offshore oil lands are far too valuable to be given away recklessly to a special-interest group. The vast oil reserves they contain may be vital to our future defense needs.

I see nothing in the majority report that was not thoroughly considered and debated when this question came before the House in the 81st and 82d sessions of the Congress. The situation has not changed. The legislation was not then enacted into law. Why now? Let us guard our sacred trust and preserve all national resources for the benefit of all.

Mr. Speaker, I am opposed to the enactment of this legislation and hope for its defeat.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, I am very strongly opposed to the granting of this rule because I am strenuously opposed to the passage of the bill. In the first instance, I wish to take a second to make remarks pertaining to the statement made by Mr. Eisenhower before the November election, which was read by the gentleman from California [Mr. HILLINGS]. Mr. Eisenhower's statement just adds confusion to this problem, because in the Government's brief before the United States Supreme Court, and in the Court's decisions and in their decree, it is made clear that there was no issue involved regarding inland waters, streams, navigable waters, bays, or rivers. So that the only question which was considered involved the submerged lands that extend seaward from the low-water mark and outside of inland waters.

I am opposed to this because—first, if passed, it would be a giveaway. I say that and I base my judgment on the Supreme Court decisions. They say very clearly that States do not own the submerged lands—to use the exact words—"The State of California has no title thereto or property interest therein,"—The Supreme Court findings was the same in the cases of Louisiana and Texas. They said secondly that the United States has paramount right and full dominion of the lands in the marginal belt. They also stated and I will try to develop this when I have more time, that the Federal Government has dominium and imperium which means jurisdiction and control as an incident to its external, national sovereignty. So the States have no interest or title or proprietary interest. Therefore, this bill would give to the States what the Supreme Court said the States do not own. Now the States would get, for nothing, without any consideration, that to which they have no right. Therefore, it is very clearly a giveaway.

It is distressing to me, when we talk about waste in Government, and when I understand that the President says he wants to prevent any waste, that this Congress should even consider giving away to several States, without any consideration, our national heritage which the Supreme Court says belongs to all 48 States; and which geologists estimate at a minimum to be worth $40 billion and up. Why we should give that national heritage away to several States and deprive the remaining of the 48 States of their proportionate share, I cannot understand.

If that is not waste in Government, it certainly is something beyond my comprehension.

The Federal Government since 1793, when the Secretary of State, Thomas Jefferson, wrote to the British and the French Ministers, during the war between England and France, has held to the policy enunciated then that we recognize the 3-mile limit in international law, and no more and no less. The State Department is concerned at the present time that we, in Congress, endeavor to extend this 3-mile limit because of international complications. The fact is after the Executive order of 1945, when the President then stated that he wanted to take complete jurisdiction over the submerged lands out to the end of the Continental Shelf, several other countries immediately made claims to extend their boundaries. I certainly would not vote to deprive my constituents of their pro rata share of our national heritage, to which they are entitled under the decisions of the Supreme Court. Do not be confused by many of these statements about prior claims of various States, as to their historic boundaries and other boundaries, because those claims were brought to the attention of the Supreme Court on three different occasions, in the California case, the Texas case, and the Louisiana case. Every argument that has been suggested has already been presented to the Court on those three occasions, and the Court rendered its decision.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. FEIGHAN] has expired.

Mr. COLMER. Mr. Speaker, I yield the balance of the time to the gentleman from Texas, member of the Rules Committee [Mr. LYLE].

The SPEAKER pro tempore. The gentleman from Texas is recognized for 11 minutes.

Mr. LYLE. Mr. Speaker, the bill H. R. 4198, the subject of this resolution, will pass the House with a substantial majority. For that I am very pleased. It has had a long, weary, and rather discouraging journey over the past few years. It has been bounced from the White House to the courts and to the Congress, and even the most patient must be weary.

At this time I would like to express my very deep gratitude to those who have spent so much thought and so much time on this issue, who have no personal or State interest in it, such as the gentleman from Pennsylvania, Judge GRAHAM; the chairman of the committee [Mr. REED]; and the present occupant of the chair, the gentleman from Indiana [Mr. HALLECK]; the distinguished gentleman from Illinois [Mr. ALLEN]; the distinguished gentleman from Michigan [Mr. HOFFMAN]. I am one of those who like Mr. HOFFMAN very much.

It is not difficult for those of us from Texas, Louisiana, and California, and from other States on the coast, to look with favor upon this legislation. It has been difficult, in the face of the unprecedented barrage of misinformation and propaganda, for many of those outside of the coastal States to take the intelligent, legal, historic, and sound position that they have taken. And to all of those from inland States who have been helpful in resolving this issue I express gratitude.

I would be negligent if I were unmindful of the great contribution to this legislation made by the former distinguished Speaker, the gentleman from Texas [Mr. RAYBURN], who, perhaps, as no other man in this body, has been the inspiration which has kept this legislation forcibly and rightfully before us.

Mr. Speaker, the passage of this legislation can but for the moment dispel the disquieting, discouraging philosophy which took heart and grew in the wake of the Supreme Court's phraseology and holding in the California, Texas, and Louisiana cases.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. LYLE. Just for a moment.

Mr. FEIGHAN. There is no confusion in this decree by the Supreme Court.

Mr. LYLE. Will the gentleman permit me to finish my statement?

Mr. FEIGHAN. "The State of California has no title thereto or interest therein." That is absolutely clear and plain to me.

Mr. LYLE. A moment ago the gentleman from New York, the able gentleman who can think of many reasons to support what he likes or to oppose whatever he does not like—he is a very able advocate—spoke about the present Attorney General of the United States and his mixed-up conception of this legislation. I suggest that it is quite understandable that the Attorney General gets mixed up, because at times he gets on one brown shoe and one black shoe. So it would not be unusual for him to get disturbed about an issue like this. Nevertheless, he did get around to where he is in a better and sounder position than the gentleman from New York.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield briefly to the gentleman from New York.

Mr. CELLER. I have the highest regard for Mr. Brownell, who is a very able and distinguished lawyer.

Mr. LYLE. I, too, have a very high regard for him.

Mr. HILLINGS. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield to the gentleman from California.

Mr. HILLINGS. With reference to the Attorney General's position on this issue, I think one of the difficulties that the present Attorney General had when he first appeared before the committee was that he was receiving some faulty advice from some of the aides in the Department of Justice that he inherited, aides who had consistently opposed State ownership in the past, but I think something is being done now to remedy that situation.

Mr. LYLE. Mr. Speaker, here is one of the disturbing things about this matter. The Supreme Court's opinion was a majority opinion by a minority of the Court. The Court prefaced its finding by saying "the question of who owned the bed of the sea only became of great potential importance when oil was discovered there." The Court then denied State ownership with this confusing declaration:

> The Federal Government, rather than the State, has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

I do not know what that means and I think no one else does.

A little later they used strange, disturbing, and unusual language when they said "that property rights must then be so subordinated to political rights as in substance to coalesce and to unite in the national sovereignty. Today," they said, "the controversy is over oil. Tomorrow it may be over some other substance or mineral, or possibly the bed of the ocean itself." I suggest that it may be over your own State waters, or over your lakes, your own rivers.

I am displeased and concerned about the language used by the Court and the converts it has attracted. I do not propose to discuss the legal aspect of this controversy. It has been well and brilliantly placed before the Congress many times. Mr. Justice Reed and Mr. Justice Frankfurter, seldom thought to be reactionary, have most ably and in very few words presented what to me is unassailable legal logic in their dissenting opinions in the California case.

Mr. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield.

Mr. JOHNSON. I have read the opinion of the Supreme Court several times. I have had a little to do with the tidelands problem and with other interior-water problems where navigation rights were abandoned. In my opinion, the Supreme Court decision practically placed the problem in the lap of Congress. It almost uses that exact language, that Congress must decide what shall be done; and, since for a hundred years, by implication at least, these titles have been recognized as being in the States we are being asked to solve the problem now by giving back to the States property that was once theirs.

Mr. LYLE. That is correct.

All of the arguments of the opponents of this legislation are based upon the assumption that the Federal Government is the powerful entity and that the States but serve it in a minor role. Those who favor this legislation are firm in their belief that the Federal Government is but an agency to serve the States in its delegated capacity. The Federal Government was the creature of the States, born with restrictions. It was intended, I believe, to be the strength of the many, strength for the many, but never a strength to take over the many.

Those who oppose this legislation, consciously or unconsciously, remove the restrictions of this creature which we call the Federal Government and give it strength to rule its keepers. Under their philosophy the keeper becomes the kept. It is discouraging to me that we must fight ourselves to maintain that which we all fight for, that is the American way. This bill is in the American tradition, it is in keeping with the basic principles of the sovereignty of the States. Since the beginning of this Union, however, there have been those who disliked that system, who believed that all the power ought to be gobbled up by this hungry and thirsty creature, the Federal Government.

This House can do no better, in my opinion, than to firmly and strongly for-

tify the position of those who believe in the true, the basic American form of government. This bill ought to have the overwhelming, the encouraging support of all of the Members of this body. It ought to quiet not only the title to the lands involved, it should also quiet the philosophy that brought the dispute to life.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I have just been giving some thought to the reference which appears in the minority report alleging that submerged lands and possibly other national areas may be given away. I think that ought to be clarified. I do not understand that anything is being given away by this bill; as I understand, the question is whether or not the States, the separate sovereign units, are to receive jurisdiction, control, right of ownership, whatever the various Members prefer to call it who have spoken here, or whether the Federal Government is to exercise the right of control over what is to happen over those lands. My point is simply this: We are no more giving away to some imaginary beneficiary any rights which belong either to the people of the several States or Federal Government than we were when the Federal Government on other occasions has made cession of national park lands or of other lands for other uses by the Federal Government to individual States; nor are we any more giving it away than when in any other resource is determined by court or Congress to belong to a State or to the Federal Government, as the case may be.

We are determining to assure the right to the Federal Government and the States, respectively, to exercise dominium, imperium, ownership, or control, as their interest may be legislatively established. We are devising here a means whereby the separate rights of the States and of the Federal Government may be determined, and in that connection I want to say finally—and then I will be glad to yield——

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. In just a moment I will yield.

I would like to point out, and I am sure it has been done before, that on the basis of the productivity of these submerged lands it is estimated by competent persons, 90 percent of the land's productivity is being retained in the Federal Government, 10 percent is being determined to belong by virtue of usage, treaty, and by actual ownership to the States, or to certain enumerated States.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from New York.

Mr. CELLER. I want to state to the distinguished gentleman that we are not restoring what the States had originally. The States never had title to this territory and the Supreme Court used this language in the California case:

> The State of California has no title thereto or property interest therein.

So we are not taking away anything that the States had. We are attempting by this bill to give to the States something which they never had before and are not entitled to.

Mr. SCOTT. The opinion of the Supreme Court is not necessarily the final answer for all time in this country, as the gentleman knows. If this Congress has the legislative power to do something to effect the respective rights of the Federal and State Governments it should not hesitate to exercise that power, and at the proper time, then the Supreme Court may be called upon to say what it thinks about our later exertion of the legislative authority.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. FEIGHAN. Under the decision of the Supreme Court, when they held that the Federal Government has a paramount interest and control over these submerged lands as an incident to their external sovereignty, the problem was raised then, and it also hovers in the mind of the Attorney General that that is something that is an inalienable attribute of sovereignty, and therefore the Congress cannot give it away.

Mr. SCOTT. I understand the gentleman's point and I will say that there was a powerful and, in my opinion, valid dissent. I do not think the entire question has by any means been determined, and certainly, if this Congress shall act again then, of course, the question may not be finally determined unless and until the Supreme Court acts again also.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. NICHOLSON].

Mr. NICHOLSON. Mr. Speaker, I dislike to get up and take this time, but it is difficult to get it when the Committee of the Whole House is working; so, coming from Massachusetts, I find I ought to say a little something.

The gentleman from New York has just stated that we never did own it and yet, in 1630, we got a charter from King James that gave us all of Massachusetts and three miles out to sea, and we had that three miles out to sea and have had it ever since, and no one has said aye, yes or no to us. If this decision of the Supreme Court stands then we will have to change at least about 200 laws on the books in Massachusetts, put there by the great and general court.

Mr. HAYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. NICHOLSON. I yield to the gentleman from Ohio.

Mr. HAYS of Ohio. Well, did not that charter you got from King James also give you jurisdiction to the Pacific Ocean at the same time?

Mr. NICHOLSON. Well, it gave us as far west as they knew about. I do not think they knew anything about Ohio up to that particular time.

Now, Mr. Speaker, I would like to know where the Supreme Court gets the idea that the Federal Government has paramount rights. We 13 colonies sat down and drew up a Constitution, and in that Constitution we specified exactly what powers and rights the Federal Government had, and that is all they did have, and what they did not was reserved to the States and people in those States. So, we have gone along since 1630 in Massachusetts knowing and believing that this land and property was ours. Well, the gentleman from Ohio gets up and says the Court says that the inland waters do not come under its jurisdiction; it is only down to low tide.

Mr. FEIGHAN. And that position agrees with the Supreme Court in the three cases: Louisiana, Texas and California.

Mr. NICHOLSON. The Supreme Court has not decided what inland waters were. Low tide, if you live on the seashore, is about up to your front porch, so the Federal Government takes jurisdiction right from your front door and you cannot say aye, yes or no. Now, we have been taxing the people of Massachusetts for years for territory that the towns got from grants to plant shell fish, and so forth. We passed laws, and no State in the Union can come in and drag for flounders in a hundred mile square area, here, there and everywhere in Massachusetts waters. Well, under that decision, the first thing you know we have lost all of those things and the Federal Government takes them.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. NICHOLSON. I yield to the gentleman from California.

Mr. McDONOUGH. Is not the gentleman stating the fundamental principle that the States existed before the United States, and that all the authority the United States has came from the federation of the States?

Mr. NICHOLSON. That is exactly what I was trying to convey.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. NICHOLSON. I yield to the gentleman from Illinois.

Mr. YATES. That very point was considered by the Supreme Court of the United States in all three of its decisions and it came to the conclusion that the lands beneath the ocean do not belong to the States.

Mr. NICHOLSON. What does the gentleman say about 50 other decisions the United States Supreme Court has made on this matter?

Mr. YATES. Up to the time the Supreme Court considered the so-called tidelands cases there was not one case, not one case, that dealt with this question. The other cases dealt with the question of the inland waters. I challenge anybody to show me one case to the contrary.

Mr. NICHOLSON. Of course, the gentleman does not know what inland waters are.

Mr. YATES. The Supreme Court has decided that.

Mr. NICHOLSON. What does the Supreme Court say? They say that inland waters are low tide, which includes all of the land.

Mr. YATES. I suggest that the gentleman read the decisions of the Supreme Court to find out what they said.

Mr. NICHOLSON. I do not think the reading of the decisions of the Supreme Court we have had in the last couple of decades coincides with the opinions I have of the Constitution. You do not have to be a lawyer to sit down and read

what the Constitution says the Federal Government's power is in this country. The Government of the United States is in the hands of the people and not the Government.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. NICHOLSON. I yield to the gentleman from Ohio.

Mr. FEIGHAN. The gentleman has just hit the crux of this situation. That power is in the people. As far as the colonial States were concerned, they got their grants from the Crown, and they were retained in the Crown. Under the Declaration of Independence the sovereignty that was in the Crown was transferred to the united Colonies. They had that sovereignty even before 1789, when they wrote the Constitution.

Mr. NICHOLSON. I would like to have the gentleman read some of the writings of the men who sat in the Constitutional Convention and other statements in the early history of this country. There was one thing they did not want to do in the Constitutional Convention, and that was make a strong central government. They wanted to reserve all the powers to themselves, because they already had had one sovereign and they did not want another.

May I say to the gentleman that I hope no Members will vote on this bill because of the money they will get from the submerged lands. I would not care if they got a billion dollars down in Texas or California or Louisiana, but I am not going to sell out Massachusetts or an inch of the land that we own and have owned since 1630.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Speaker, I call the attention of the House to the fact that three Members on this side of the aisle in minority views have made the following brief conclusion which seems very persuasive to me:

> Barring serious questions of constitutionality, Congress has the power to surrender all or part of the Federal rights to this property. We do not believe, however, that Congress should exercise that power. To do so amounts to a windfall to a few States at the expense of the others. It is a position to which we cannot conscientiously give support.

Mr. Speaker, neither can I conscientiously support this measure for the reasons stated.

I point out one other thing: This issue is not what it always has been. The cold war is hotter than ever and we are in a hot war in Korea. The Federal Government now clearly has these enormous reserves of oil by virtue of the decisions of the Supreme Court. They can be best utilized for the strategic security of the United States in the hands of the Federal Government. I think that security consideration so pertinent today dictates that this House ought now under present circumstances to turn down this bill and the proposal to turn these great national resources under the tidelands over, in effect, to a few great States.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BENDER].

Mr. BENDER. Mr. Speaker, I think we decided this issue at the last election. Now let us vote.

Mr. ALLEN of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HAYS of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and nineteen Members are present, a quorum.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. REED of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois [Mr. REED].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 4198, with Mr. CURTIS of Nebraska in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. GRAHAM. Mr. Chairman, I yield 23 minutes to the distinguished chairman of our committee, the gentleman from Illinios [Mr. REED].

Mr. REED of Illinios. Mr. Chairman, I am certain that in the course of the debate other members will discuss fully and most capably the specific problems involved in this legislation as well as their legal aspects. Therefore it is my purpose to touch only upon its constitutional aspect.

Without question there is, in my judgment, a vital need for the enactment of the Graham bill, H. R. 4198, which I have the honor and privilege to report to this body. While some members of the Committee on the Judiciary do not agree with the majority of the committee, we are, I am sure, unanimous in our conclusion that the development of our submerged lands will be of tremendous assistance in solving the oil shortage that is facing our country at the present time.

No one questions the potentiality of the resources located in these areas, but since the decisions of the Supreme Court in the California, Louisiana, and Texas cases, exploration and development have come to almost a complete halt. No new wells are being brought in nor are they being sought.

This intolerable situation is further complicated by the fact—and this is admitted by everyone—that there is no statutory authority for any Federal agency or office whereby these areas may be administered, leases issued, and production set in motion.

Congress and only the Congress can establish such authority by legislation. It is our responsibility to take—here and now—the necessary steps to terminate this stalemate. The passage of this bill in my judgment is a proper and equitable solution of the present jurisdictional uncertainity and will be in the best interests of the States and the Federal Government.

It is my firm conviction that the Graham bill should be enacted out of a sense of justice and honesty. For over one hundred and fifty years it was the considered opinion of the best legal minds that these submerged lands now under consideration belonged to the States. That opinion was predicated upon unambiguous decisions of the Supreme Court.

Likewise, there were the confirmatory actions of the Federal Government itself that it did not think that it had title to the lands in question. History is replete with examples of the Federal Government acquiring parcels of land from the various States under conveyances of title from the States to the Federal Government. Why was this done if title was in the Federal Government?

Even as recent as 1933, the then Secretary of the Interior stated that the States were the owners of the lands beneath the marginal sea. When oil was discovered off the coast of California he refused applications for leases in those lands on the specific and sole ground that that those lands belonged to California who was the sole authority for leases.

Then in 1947 came the decision of the Supreme Court in the California case. The doctrine of paramount right enunciated in that decree has been described by many adjectives but I think that the phrase employed by the American Bar Association in its resolution on this subject has the best description from the standpoint of accuracy and connotation. That resolution referred to this doctrine as "the new concept."

It is not my intent to attempt at this time to analyze or to discuss in detail the rationale of that decision nor of those in the two subsequent cases. I cannot however refrain from mentioning, in all propriety, the lack of unanimity in those decisions and the divergent views therein expressed.

Since the Court has rendered its decision it is, under our system of government, the law of the land, regardless of whether we agree or disagree with its reasoning. But also under our form of government we, members of the legislative branch, have the right, the duty, and the responsibility to make the law, unhampered by the courts, the Executive, or the States, and restricted only by the Constitution itself.

As I read the decision of the California case I find in the majority opinion a direct invitation from the Court to the Congress to take action in this matter with due consideration for the rights of the State involved.

I am firmly convinced that a fundamental decision of policy must be made in this field and such a decision can be

made only in the halls of Congress, not in the judicial branch and not in the executive.

Such action is immediately vital in the interest of national defense; it is legally desirable to determine jurisdiction in our dual form of government and it is morally necessary in the interest of justice.

I believe this bill should be enacted at this time. Its provisions, in my judgment, contain the best possible solution to the problem. I am satisfied as to its constitutionality.

When the Supreme Court rendered the opinions in each of the three recent submerged lands cases it held that the States did not have title to these submerged lands in the marginal sea; but at the same time it carefully refrained from specifically stating that title was in the United States. This was emphasized when the Court struck from the proposed decree in the California case the words "of proprietorship." The Court did say in the California case that the Federal Government and not the State "has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water, including oil."

Such language leads to the question, "To whom does the land belong?" Clearly, not to the State; it is subject to the paramount rights of the Federal Government an incident of which is dominion over the land. While that concept may not be title as it is generally known in the law of real property, it seems to mean that the Federal Government has rights of possession, of enjoyment, and other similar rights that make up what we understand to be ownership. The source of such rights is the paramount rights of the Federal Government. They originate therein and flow from that sovereignty.

These lands therefore must belong to the Federal Government. They are possessed of it. Therefore they come within the scope of article IV, section 3, clause 2, of the Constitution which reads as follows:

> The Congress shall have the power to dispose of and make all needful rules and regulations respecting territory and other property belonging to the United States.

Note carefully the words, "other property belonging to the United States." Surely, no one hesitates to say that these submerged lands are property and that they do belong to the United States.

If there is anyone who might so hesitate, permit me to read from that very same majority decision in the California case wherein Justice Black said:

> We cannot and do not assume that Congress, which has constitutional control over Government property, will execute its power in such a way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permissions.

That language is definitely an unambiguous statement by the High Court that these lands are Government property and under the constitutional control of Congress.

That language is a direct invitation to Congress to enact a law such as the Graham bill—which will do justice to the States.

Justice Black in that same opinion had this to say about the constitutional power of Congress under article IV, section 3, clause 2:

> We have said that the constitutional power of Congress in this respect is without limitation. (*United States* v. *San Francisco* (310 U. S. 16, 29–30).) Thus neither the courts nor the executive agencies could proceed contrary to an act of Congress in this congressional area of national power.

Congress then and only Congress can act on these submerged lands in the marginal sea.

There is nothing in the bill now under consideration that does not conform to these pronouncements of the Supreme Court on the power of the Congress to make the disposition that even the Court itself asked for when it uttered the doctrine of paramount rights in these lands.

I recollect that during the hearings that were held on this legislation the question was raised as to whether or not the enactment of this bill would alienate the sovereignty of the United States and thus be unconstitutional.

I have no fears on that point. To dispose of these lands according to the provisions of this bill cannot in my judgment be construed as any possible alienation of the national sovereignty.

The power given to our Federal Government was delegated under the Constitution by the States and under the Bill of Rights all powers not specifically delegated to the Federal Government under its provisions are reserved to the States. I recognize that when the national sovereign functions in its constitutional capacity with regards to other nations as distinguished from the States which are members of the Union, there is another form of sovereignty which it possesses. I refer to its external sovereignty and distinguished from its limited sovereignty when dealing with the member States.

The external sovereignty of the Federal Government that is involved in the problem are its rights and responsibilities to exercise its power to protect the security from attack on its coastline—national defense—its power to conduct foreign affairs; its control of navigation.

Those rights and responsibilities are the sole source of the Federal Government's control over these marginal seas and the lands beneath them.

Are any of these rights and powers even compromised, let alone alienated, by this bill? You know they are not.

In the first instance, all powers disposed of in this bill are those that States have exercised in the territorial seas for years with the approval of the Supreme Court. Coastal States have long exercised their police power in these waters. Of course, no one questions the paramount right of the Federal Government to supersede the power of the State in such areas when it exercises its constitutional powers any more than when it so exercises them within the State boundaries inland. But only Congress can impose that paramount power, and so long as it does not do so and there is no conflict, the State is free to exercise its police power in those waters.

In the California opinion of Justice Black, the case of *Skiriotes* v. *Florida* (313 U. S. 69, 75) was referred to in the following language:

> Through Mr. Chief Justice Hughes we said: "It is also clear that Florida has an interest in the proper maintenance of the sponge fishery and that the (State) statute so far as applied to conduct within the territorial waters of Florida, in the absence of conflicting Federal legislation, is within the police power of the State."

In *Toomer* v. *Witsell* (334 U. S. 385, 393 (1947)), Mr. Chief Justice Vinson, in the majority opinion, said:

> In the Court below, *United States* v. *California* (332 U. S. 19 (1947)) was relied upon for this proposition. Here appellants seem to concede, and correctly so, that such is neither the holding nor the implication of that case; for in deciding that the United States, where it asserted its claim, had paramount rights in the 3-mile belt, the Court pointedly quoted and supplied emphasis to a statement in *Skiriotes* v. *Florida* (313 U. S. 69, 75 (1941)).

He then quoted the statement which I had quoted in the same case.

Here we have the Supreme Court stating that States may exercise their police power in territorial waters so long as there is no conflict with Federal powers extended therein by an act of the Congress.

If those who think that under the doctrine of paramount right there can be no exercise of any power by a State in these waters without a concomitant alienation or surrender of the national sovereignty, let them ponder on those decisions.

These legal principles were recognized by the very same bench at the very same time that principle of paramount right was enunciated. They have been affirmed by the same Court since.

If the State is permitted to take over these lands for the purpose of developing and extracting oil therein, and if the constitutional powers of the Federal Government are specifically reserved unto itself upon condition that nothing in the grant of powers to the State can in any way infringe upon those Federal powers, there can be no possible conflict, no surrender of the right to control navigation, the right of national defense and the right to conduct foreign affairs.

For years, in these very territorial waters in which State police powers have been exercised, those Federal rights of external sovereignty have and do exist concurrently. Moreover, in these same waters there is recognized those international rights of innocent passage and of refuge in distress.

Not a single sentence in this bill raises any conflict between these sovereign rights. Therefore, there can be no alienation of Federal sovereignty.

The supporters of the argument that this legislation is unconstitutional because it alienates Federal sovereignty should read its provision more closely. As I understand this bill, even such an eventuality is provided for and proper safeguards provided to protect its validity.

That is clearly indicated in the manner in which the powers and the nature of those powers are bestowed upon the

States. Under a very definite and elaborate separability clause such an unexpected, and in my judgment unwarranted, ruling that any one of the provisions should be held invalid, the remainder of them would be protected.

I repeat that while I am confident that the bill in its entirely is constitutional, I agree with the subcommittee that an ounce of prevention is worth a pound of cure.

There are also some who express alarm and apprehension with regard to title III of this bill. That is the title which deals with the outer Continental Shelf beyond the boundaries of the States. I have heard it said that we are entering into an international field that has never been undertaken before.

Let me assuage the anxiety of such persons.

First, I believe that there must be some declaration in this measure to make effective the Presidential proclamation over this area. I fear that a failure to do that when we are dealing with the very same contiguous area within State boundaries might prejudice our position at some future date, should the United States become involved in a dispute with another nation over this area.

Moreover, many countries throughout the world have been and are continuing to proclaim their jurisdiction over the Continental Shelf. In most instances they go further than the very careful wording in this bill and in many cases they extend over a greater area.

This bill states that the seabed and suboil of the outer shelf appertains to the United States and is under her jurisdiction and control including the resources therein. Thus we do not claim the superjacent waters and we affirm the freedom of the waters above these lands. We seek this limited jurisdiction for the sole purpose of extracting the minerals.

Such a claim in the outer Continental Shelf is not novel. There have been instances of such action many years old. Lands beneath the high seas have been proclaimed to be under the exclusive control of a nation for exploitation of such things as oysters, pearls, sponges on the beds of those seas off such countries as India, Australia, Tunis, Ireland, and others.

Here in the United States, we, in the past, have extended our jurisdiction beyond our territorial waters for various specific purposes, such as customs enforcement which dates back to almost our birth as a nation; the prohibition enforcement extended seaward beyond our boundary and today, our defensive sea areas often go beyond territorial waters.

I have no qualms as to the effects of this bill in that regard, but I have a very decided fear that the failure to do so will eventually penalize our country at some future date.

But far more important to me—though I yield to no one in my concern for the national interest—is the restoration in the States of those lands which I am, and always will be, certain lawfully and rightfully belonged to them. In confirming that belief by the enactment of this bill we will have taken one of the most impressive steps ever taken by any Congress to enhance the prestige and integrity of our Federal Government in the minds of all our fellow citizens.

I make that statement in all sincerity and with all the fervor of my conviction in it. In enacting this bill we the Congress will not only terminate this wasteful, bitter controversy, we will not only properly and fairly dispose of natural resources and lands in accordance with principles of justice and equity, we will recognize the rights of the States and thereby restore their confidence in the integrity of our Federal Government but, most of all, we will be restoring the traditional philosophy of the American way of life in national affairs.

Mr. HAYS of Ohio. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS of Ohio. Mr. Chairman, the Government of the United States has a traditional policy of protesting claims made by other nations to areas of the marginal sea extending beyond 3 miles from the low water mark. The basic reason for not recognizing claims extending beyond 3 miles has been that the United States as a great naval, air, and maritime power must maintain freedom of the high seas and the air lanes which pass above it.

The Soviet Union today claims a strip of territortial sea extending 12 miles from its shores. Mexico claims a boundary extending 9 miles from its shore line. Ecuador claims exclusive fishing rights within 15 miles of its coast and Iran claims 6 miles into the strategic Persian Gulf. The dangers inherent in these extensive claims are most evident in the recent claim by Chile to complete national sovereignty over 200 miles of the adjacent sea.

Any extension of our boundaries beyond the 3-mile limit would undermine our traditional policy of maintaining the freedom of the high seas. Assistant Secretary of State, Thruston B. Morton, in a letter of March 4, 1953, to Chairman HUGH BUTLER, of the Senate Committee on Interior and Insular Affairs, stated:

> Likewise, if this Government were to abandon its position on the 3-mile limit, it would perforce abandon any ground for protest against claims of foreign states to greater breadths of territorial waters. Such a result would be unfortunate at a time when a substantial number of foreign states exhibit a clear propensity to break down the restraints imposed by the principle of freedom of the seas by seeking extensions of their sovereignty over considerable areas of their adjacent seas. A change of position regarding the 3-mile limit on the part of this Government is very likely, as past experience in related fields establishes, to be seized upon by other states as justification or excuse for broader and even extravagant claims over their adjacent seas. Hence a realistic appraisal of the situation would seem to indicate that this Government should adhere to the 3-mile limit until such time as it is determined that the interests of the Nation as a whole would be better served by a change or modification of policy.

A. UNITED STATES CANNOT PROTECT ANY STATE CLAIM BEYOND 3 MILES

As stated in the report of special master, in the case of United States against California, October term, 1952:

> The exterior limits of the marginal belt * * * involves a question of the territorial jurisdiction of the United States as against foreign nations, i. e., a question of external sovereignty.

It is inconceivable that a single State taking unilateral action through its legislature to extend its seaward boundaries beyond the traditional 3-mile limit could bind the Government of the United States in its dealings with foreign nations. The interests of any single State in matters of foreign relations must not take precedence over the interests of the Nation as a whole.

It is clear that the territorial waters boundary of a State and the Nation are indivisible. Mr. Jack Tate, testifying on behalf of the Department of State, stated before the Senate Committee on Interior and Insular Affairs on March 3, 1953, that—

> In international relations, the territorial claims of the States and of the Nation are indivisible. The claims of the States cannot exceed those of the Nation.

It cannot be argued that this legislation would only affect territorial water claims of a small portion of the United States entire coastline. If Congress takes legislative action to recognize extensions of territorial waters beyond the 3-mile limit off the coast of one State, it is more than certain that every coastal State will advance similar claims and petition the Congress to recognize these claims.

Specific provisions of Senate Joint Resolution 13 were attacked by the Department of State when it said:

> It is the view of the Department, therefore, that the proposed legislation should not support claims of the States to seaward boundaries in excess of those traditionally claimed by the Nation, i. e., 3 miles from the low-water mark on the coast. This is without reference to the question whether coastal States have, or should have, rights in the subsoil and seabed beyond the limits of territorial waters.

The use of any specific terminology such as "historic boundaries" or "boundaries at the time the State entered the Union" will only confuse and complicate the continuance of a uniform and sound policy of territorial water claims the United States supports with regard to foreign nations. In the first place, it is not at all clear what validity there is in so-called historical boundaries advocated by the States of Texas, Florida, and Louisiana. The determination of these claims would involve years of litigation. Secondly, it is perfectly obvious that many coastal States may advance historical claims on the basis of their colonial charters, early State statutes or constitutions. Where these claims would lead us no one can tell.

B. HISTORICAL UNITED STATES CLAIM HAS BEEN 3 MILES

In 1793, the then Secretary of State, Mr. Thomas Jefferson, wrote to the British Minister that—

> The character of our coast, remarkable in considerable parts of it for admitting no

vessels of size to pass near the shores, would entitle us, in reason, to as broad a margin of protected navigation as any nation whatever. Reserving, however, the ultimate extent of this for future deliberation, the President gives instructions to the officers acting under his authority to consider those heretofore given them as restrained for the present to the distance of one sea league or three geographical miles from the seashore. (Jefferson, Secretary of State, to Hammond, British Minister, Nov. 8, 1793.)

In 1875, Secretary of State Hamilton Fish wrote the British Minister in Washington that—

We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast.

Secretary of State Bayard wrote to Secretary of the Treasury Manning on May 28, 1886, stating:

We may therefore regard it as settled that, so far as concerns the eastern coast of North America, the position of this Department has uniformly been that the sovereignty of the shore does not, so far as territorial authority is concerned, extend beyond three miles from low-water mark.

In reply to a letter from Senator Connally, of Texas, Mr. James V. Webb, then Under Secretary of State, answered the Senator's questions on the extent of United States claims to territorial waters by quoting from the Supreme Court of the United States in the case of *Cunard S. S. Co.* v. *Mellon* (262 U. S. 100), to illustrate the Department's position:

It now is settled in the United States and recognized elsewhere that the territory subject to its jurisdiction includes the land areas under its dominion and control, the ports, harbors, bays and other enclosed arms of the sea along its coast and a marginal belt of the sea extending from the coast line outward a marine league or three geographic miles.

The most recent declaration of this firm and unwavering policy came in the letter to Senator BUTLER—opinion cited—when the Department of State replied:

Pursuant to its policy of freedom of the seas, this Government has always supported the concept that the sovereignty of coastal states in seas adjacent to their coasts (as well as the lands beneath such waters and the air space above them) was limited to a belt of waters 3 miles width, and has vigorously objected to claims of other states to broader limits.

The decision of the International Court of Justice in the Norwegian Fisheries case—United Kingdom against Norway, December 18, 1951—has not changed the position of United States. This case was decided on very special grounds, and was interpreted by Mr. Jack Tate, legal advisor of the Department of State, in his testimony as follows:

Mr. TATE. * * * The Norwegian Fisheries case has caused a great deal of discussion as to what it stands for. The northern coast of Norway that was involved in that case is a very cut-up coast. It is jagged, with little islands and rocks all over. It is what is known as the Skajaergaard.

The Court in the Norwegian Fisheries case sustained the claims of Norway. It did it, as I read the case on three grounds: (1) The nature of the coasts; (2) the historical claims of Norway, acquiesced in by other countries; and (3) the economic interests of the coastal states. On that basis it justified the claims of Norway.

I am not sure how far that case goes in its applicability to other situations that are not comparable with the Norwegian situation. I do not know of any part of the coast of the United States that is comparable to that section of the Norwegian coast known as the Skajaergaard. Possibly part of the southern coast of Alaska and the Aleutians might fit into that same sort of situation.

The historical situation is different as far as this country is concerned, and of course the economic situation varies. The Court did say in that case that the 10-mile rule was not firmly established as international law in such a way as to prevent its application to Norway under these circumstances. I cannot myself say that the 10-mile rule that has been adhered to by this country is required by international law. It certainly is not prohibited by international law.

C. FREEDOM OF HIGH SEAS HAS BEEN UNITED STATES POLICY

There is no question that the United States has traditionally been a firm advocate of freedom of the high seas. Any policy change which would place the United States in a position of limiting free access to wide expanses of the high sea would be most detrimental to our national interests. Not only would this action lead to the closing of water and air routes now open to our naval and air defense craft, it would seriously hamper our fishing industry and commercial-maritime activity.

In 1952 the Department of State called together an ad hoc Interdepartmental Committee on Foreign Waters to assess the benefits and detriments which might result from the extension of broad claims to the territorial sea off the coast of the United States. This committee was composed of representatives of the Departments of Defense, State, Justice, Interior and Commerce. It is more than evident from the letters and records of this committee that any extension of territorial waters would be most detrimental to United States interests. A letter from the Secretary of the Navy to the Secretary of State, June 20, 1952, on this subject sets forth several areas which are now open to United States naval vessels which might be closed if the United States waivers from its traditional policy of a 3-mile limitation on territorial waters.

The effects which might accrue to the fishing industry are detailed in another section of this report.

Recent incidents involving the shooting down of American aircraft off the coasts of the Soviet Union or Soviet occupied territories, indicate the importance of maintaining the doctrine of freedom of the high seas and the airspace above them. The United States will be in no position to protest further such incidents, or press past protests if the policy of our Government should now be changed.

D. 1945 PRESIDENTIAL PROCLAMATION CAREFULLY LIMITS UNITED STATES CLAIMS TO THE CONTINENTAL SHELF

The 1945 Presidential proclamation setting forth the policy of the United States with respect to the natural resources of the subsoil and seabed of the Continental Shelf was carefully phrased so as to avoid any confusion that might arise concerning the intent of the Government of the United States to change its policy with regard to the freedom of the seas.

The United States considers the natural resources of the subsoil and the sea bed of the Continental Shelf contiguous to the coasts of the United States to be subject to its jurisdiction and control.

The character as high seas of the waters above the Continental Shelf and the right to their free and unimpeded navigation are in no way thus affected (ibid.).

Several other nations have followed the policy of the United States with regard to the Continental Shelf adjacent to their coasts, but in a number of instances have failed to limit their claims to the subsoil and sea bed, but rather extended jurisdiction over the seas to the edge of the Continental Shelf. A summary of these claims is included in the article National Claims in Adjacent Seas, by S. W. Boggs.

Any attempt to extend the boundaries of the United States or any of its constituent States to the edge of the Continental Shelf would result in the most serious problems involving the freedom of the seas. The careful wording of the 1945 Presidential proclamation has protected the interests of the United States to date, deviations from this would not be acceptable.

The State of Texas claimed that it had full and complete ownership over the waters of the Gulf of Mexico, includes all lands that are covered by said waters from the shoreline to the farthermost edge of the Continental Shelf. This action was taken by the legislature of the State of Texas in 1941 and 1947—act of May 16, 1941, May 23, 1947. The recognition of such an extravagant claim by the Congress would not only involve the United States in serious problems with other nations but would place the State of Texas in a position of dictating to the Federal Government matters which are clearly outside the Constitutional jurisdiction of the State of Texas. For as in the California opinion (332 U. S. at 35) the court stated:

Whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean, is a subject upon which the Nation may enter into and assume treaty or similar intentional obligations.

The Supreme Court in the decree in the Texas case (340 U. S. 900) settled this issue by stating:

The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Texas, and outside of the inland waters, extending seaward to the outer edge of the Continental Shelf and bounded in the east and southwest, respectively, by the eastern boundary of the State of Texas and the boundary between the United States and Mexico. The State of Texas has no title thereto or property interest therein.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I have been assigned the task of giving you a broad outline of the pending bill, H. R. 4198.

I want to discuss with you briefly and in a nontechnical way what the bill does, why it is before us, and the need for the legislation.

Perhaps I should begin with a definition of terms. You will hear a great deal during general debate today, first about the historic boundaries and second about the outer continental shelf of the States. Let me explain what these terms mean.

Each State was admitted into the Union by an act of Congress, and each State adopted a constitution which was approved by the Congress. The act of Congress and the first Constitution defined the boundaries of each State in the first instance. In some cases treaties were involved. Thus the Louisiana Territory was retroceded or reconveyed by Spain to France in 1803, and then France, in turn, transferred the Louisiana Territory to the United States. Thereafter, Louisiana was admitted into the Union as a State under an act of Congress of 1812, and the first Constitution of Louisiana, of 1812, was approved by the Congress. Both Spain and France exerted influence over and claimed, owned, and controlled a marginal belt as part of the Louisiana Territory, as shown by maps then used and still in existence.

Obviously, we must resort to all of such ancient documents in order to determine the true and actual historic boundaries of each State, and as a practical matter, that is exactly what this bill permits and accomplishes. I do not know of any better criteria for the establishment of the boundaries of the States than a historic approach.

And what about the outer Continental Shelf?

Measured in geological time, our continent once stretched out farther into the ocean than it does today. Stated differently, the outer edge of the continental mass has become covered with the waters of the ocean. The proof is that if you waded out into the ocean, so to speak, you would find that the depth increases gradually until you reached a depth of 100 fathoms or 600 feet. At that point you would encounter a very sudden, sharp and precipitous drop to the very bottom of the ocean. The drop occurs rather uniformly at a depth of 100 fathoms or 600 feet, and upon reaching that point you would realize that you had arrived at the end of the original continental mass or the edge of the Continental Shelf.

Keeping these definitions in mind, the bill H. R. 4198 does two things.

First, it restores to the States complete title to the submerged lands up to the limit of their historic boundaries.

Second, it proves that beyond that point and up to the end of the Continental Shelf the submerged lands appertain to the United States.

Vicious propaganda has led some people to believe that this bill applies only to California, Texas and Louisiana. That, of course, is completely false. The bill applies to all the coastal States and will benefit all of the States of the Union.

Thus, it has been estimated that nine-tenths of the areas covered by this bill will go to the United States, while only one-tenth will go to all of the coastal States. Specifically, the experts who testified before our committee have estimated that 26,000 square miles will go to all of the coastal States, while 237,000 square miles are located in the Continental Shelf beyond historic State boundaries and will go to the United States Government.

Stated in another way, if the minerals were deposited uniformly from the shores to the edge of the Continental Shelf, nine-tenths of the oil would go to the Federal Government and only one-tenth would go to the coastal States. As a matter of fact, however, the percentage in favor of the States is much smaller, for the simple reason that most of the mineral deposits are located in the Continental Shelf outside of and beyond the historic boundaries of the Coastal States.

Now why is this legislation before us today? Here is the reason.

You know that possession is nine points of the law. Prior to 1935, the States enjoyed open, peaceable and exclusive possesion of the submerged lands within their historic boundaries. Up until that time, all the lawyers, the courts, the laymen and everyone in general understood that the States had title to these submerged lands.

Even Mr. Ickes, the Secretary of the Interior, thought so. He not only thought so, he said so. He not only said so, he expressed his opinion in writing. Someone had applied for a Federal lease covering submerged lands off the coast of California. On December 22, 1933, Mr. Ickes turned him down in writing. In his letter, Mr. Ickes reviewed the court decisions and said that under the uniform jurisprudence the so-called tidelands belonged to California and not to the United States. Here is what he said:

> The foregoing is a statement of the settled law and therefore, no rights can be granted to you either under the Leasing Act of February 25, 1920, or under any other public-land law.

Mr. Ickes was absolutely correct. He could have cited fifty-two Supreme Court decisions in support of his position. He could have quoted the considered opinions of Chief Justice Taney, Mr. Justice Field, Mr. Justice Holmes, Mr. Justice Brandeis, Chief Justice Taft, Chief Justice Hughes, and forty-six other eminent Justices of the Supreme Court.

Yes, Mr. Ickes could have pointed out that all the departments and agencies of the Federal Government had always recognized the title of the States. He even could have said that the Federal Government had actually leased and bought and paid for some of the tidelands from the States, and he could have concluded that in law, in good conscience, in moral and in equity the United States could not and should never question the title of the States.

But then what happened? Oil was discovered in the marginal seas. Visions of wealth and power can play tricks on minds and consciences of men. So Mr. Ickes and Harry Hopkins and others changed their minds. And we all know the sordid end of the story.

In the suits against California, Texas, and Louisiana the Supreme Court reversed all the mass of legal precedents and jurisprudence which had accumulated since the very foundation of our Republic. The Court, as presently constituted, held that the States do not have title to the submerged lands within their historic boundaries. But—and here is the catch—the Court did not hold that the Federal Government owns or has title to these areas. It only decided that the Federal Government has paramount power and dominion over the tidelands.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GRAHAM. Mr. Chairman, I yield the gentleman 2 additional minutes.

The CHAIRMAN. The gentleman is recognized for 5 additional minutes.

Mr. WILLIS. But what does "paramount power and dominion" mean? Nobody seems to know exactly. One thing is certain, and it is that legislation is necessary to straighten out the matter so far as mineral developments are concerned. The former Attorney General and the former Solicitor of the Department of the Interior, and the present Attorney General and the present Solicitor of the Department of the Interior all agree on this. They agree and all of the members of the Judiciary Committee agree that no department or agency of the Federal Government has any authority under any existing law to develop the tidelands.

In the meantime, we need oil. We need it now. We need it at home and we need it for national defense and security.

Did you know that we are an importer of oil? We import crude oil and petroleum products every day of the year. We import crude oil and petroleum products from Mexico, Columbia, Venezuela, Iraq, Saudi Arabia, and elsewhere. My information is that we import on an average of 1 million barrels per month.

Therefore, it is imperative that we enact legislation to authorize the development of the submerged lands both as a matter of law and as a matter of economic necessity. The proposition is not whether legislation should be adopted, because everyone agrees that we should act. The only question is what sort of legislation should be enacted.

In the past, this body has acted twice on this subject, and I am confident that it will act again today in a fair and equitable manner. In the Committee of the Whole we will propose an amendment to restore language which appeared in the committee print, but which does not now appear in the bill, H. R. 4198. A discussion of this and other possible amendments will be made in due time during the course of the enactment of this most important legislation.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Kentucky.

Mr. PERKINS. I would like to have the gentleman answer this question. Let us assume that the Supreme Court of the United States had held that Louisiana had title to these lands: I want you to explain to this Committee, in case of a controversy how Louisiana could defend that title. In law, when you own title you can defend it. How could Louisiana defend it in the case I mention?

Mr. WILLIS. That is very easy. You said, "Should the Supreme Court so decide." That is exactly what we say they should have done, that is what had been the situation for 150 years. How could we defend our title if it is recognized? If you have title and possession, you can defend easily in any lawsuit known to the common law.

Mr. PERKINS. Let us take the shrimp boat case that occurred just a few days ago off the coast of Louisiana. Our State Department was able to get those parties released on the basis of the 3-mile limit. What could the State of Texas or Louisiana have done in an instance of that kind?

Mr. WILLIS. The gentleman is obviously opposed to the bill, and he wants to confuse oil with shrimp. I do not think that is very enlightening to the debate here, nor does it add to the principle. However, I do not yield further for that line of questioning. I yield to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. I thank the gentleman for yielding.

Mr. Chairman, I want to congratulate the gentleman from Louisiana on the splendid job he has done in connection with this legislation. The gentleman is an able lawyer, and I think he has as fine a grasp of the paramount constitutional issue involved here as any Member of this body. I know the gentleman's time is limited and I am probably interrupting the sequence of his discussion, but I wonder if the gentleman has time whether he will discuss for a moment the importance of the taxing power on the areas found on the Continental Shelf.

Mr. WILLIS. I should be delighted to if the gentleman would procure me 2 additional minutes; I would welcome the opportunity.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. The time is under the control of the gentleman from New York and the gentleman from Pennsylvania.

Mr. WILLIS. I am glad the gentleman has brought up that subject and I am quite sure it will be discussed later on, probably when the bill is read for amendment. The taxing power and the administration of our civil and criminal jurisdictions are both important for this reason: These areas—I am talking about the areas seaward and particularly beyond the historic boundaries but within the Continental Shelf—must be subjected to the jurisdiction of some authority, criminal and civil. You do not have any Federal jurisdiction over the administration of the common law offenses. True it is that we have limited criminal jurisdiction in the Federal courts but that is only when we pass a bill such as an income bill and attach thereto a penalty and then you can go into Federal court, but you cannot go to Federal courts to punish the crimes of murder, arson, or other common-law crimes; there is no jurisdiction. The "police power" referred to in this bill means the application of the civil and criminals laws of the States, and all the body of laws that pertain to persons and corporations.

In connection with the taxing power, the proposal to tax here in this bill is not a tax against the United States of America; it is a tax against the oil companies and lessees; against the production of oil or against the severing of that oil from the soil. There are no greater industries that use and abuse our highways more than the oil companies; they use our highways and they abuse our highways; and they use our bridges and tear up our bridges. The folks who will be hired and employed in these areas on the Continental Shelf will go to school in Louisiana, they will reside in Louisiana. If they are to be given the protection of our laws they should be taxed just the same as inland persons are taxed now. So it must be understood that this taxing power is not a tax against the Federal Government at all; it is the application of a uniform tax against severance of natural resources from the soil applying both inland and offshore, and under our Constitution the severance taxes are used for road building, for bridge repair and building, and for education.

Mr. BOGGS. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIS. I yield.

Mr. BOGGS. Is it not a fact that in legislation heretofore passed, that power along with participation in the royalties has been included in the so-called Walters bill?

Mr. WILLIS. There is no question about that. The House resolved this issue twice before by substantial votes. It has never been questioned.

Mr. GRAHAM. Mr. Chairman, I yield to the distinguished gentlewoman from Michigan [Miss THOMPSON] 5 minutes.

Miss THOMPSON of Michigan. Mr. Chairman, the submerged-lands bill has been before the Congress rather regularly over a period of about 15 years and has been hashed and rehashed over and over again. Thousands of pages of testimony have been taken and some 30 or 40 hearings by both Houses have been held, but to date no final decision has been made.

Members of this 83d Congress have dropped 40 bills into the hopper so far in an effort to determine a fundamental question of national policy involving the ownership of, and the production of, minerals from the offshore submerged lands of the United States.

The Supreme Court of the United States in litigation involving the States of California, Texas, and Louisiana, has heretofore held, on three occasions, that the Federal Government has a paramount interest in all of the so-called Continental Shelf. But that Court also recognized in its opinion the right of Congress to determine, as a matter of policy, rather than as a matter of law, whether or not continued Federal control is for our best interest. In view of our present world-wide crises, and the increasing need for petroleum in our own defense program, we, of the committee, many of our colleagues, and members of the Cabinet believe that our Nation's interests would best be served by restoring to the various States the coastal offshore lands to the historical boundaries of the respective States.

I have had a considerable amount of mail from my district opposing the present legislation on the grounds that, if passed, it would take funds away from the public schools. I should like to submit this to you in its proper light. All the submerged land revenues in the State of Texas have been devoted to public education for more than 30 years. All, or part, of such revenues are devoted to education in most of the other States where income is from other public lands. The latest available total of all revenues received by Texas, Louisiana, and California to date, from oil and gas leases, and royalties, is $77,292,000. This has meant a great deal to public education and other State functions in those States. But, if the revenue to those States was to be divided among the 48 States, it would mean only $1,610,000 per State. Even if that figure should become greater in the future, it is doubtful if any of the States would be willing to surrender to the Federal Government the title to its own submerged lands for one-forty-eighth part of the total revenues received from all the States through Federal ownership and management. At present, total Federal aid to schools is in the billions.

The Federal Government today owns 24 percent of all the land in the United States, and none of the revenues therefrom are being earmarked for education. Grants of this Federally owned land direct to the States would enable them to be self-sustaining, and to retain control of their educational systems.

We have much Government-owned land in my district, but you may be very sure that the advocates of Federal control, because of their intrest in the centralization of property and power in a national soverign rather than the support of public education, will not concede such a program. The Federal aid to education plan is merely an attempt to gain support of Federal control of submerged lands now being used by the States in support of their own systems of public education.

Incidentally, in our great State of Michigan, we have over 25 million acres of submerged lands and 1,500 miles of shoreline. Michigan is currently receiving royalties from leases covering oil, gas, sand and gravel. This legislation requires your careful and conscientious study.

Mr. GRAHAM. Mr. Chairman, will the gentlewoman yield?

Miss THOMPSON of Michigan. I yield to the gentleman from Pennsylvania.

Mr. GRAHAM. As chairman of Subcommittee No. 1, may I thank the gentlewoman for her attendance at our meetings. She has been faithful; she has never missed a meeting and she has contributed much of her time and effort. Mr. Chairman, I greatly appreciate it.

Mr. CELLER. Mr. Chairman, I yield myself 10 minutes.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman from Louisiana [Mr. WILLIS] attempted to discuss the tax that had been placed by the State of Louisiana beyond the historical boundaries of the State. Will the gentleman state whether the power to tax is or is not an aspect of the sovereignty of either the State or the Federal Government and whether in his opinion it is constitutional for one of the Gulf States to impose such a tax?

Mr. CELLER. I believe the provisions for taxation that are found on page 12 and the provisions for police powers granted to each of the coastal States are, to say the least, impracticable, unthinkable, and unconstitutional. This is an attempt to allow one State to tax property beyond its boundaries. This would permit Louisiana and Texas to tax all companies that are operating on the Continental Shelf far beyond their boundaries. Now I cannot conceive how we would embrace such a proposal. If we could do that with reference to the coastal States, namely, that they can effectuate the imposition and collection of taxes on property not in their own States, then New York, for example, could tax corporations and properties in the State of Illinois and the State of Indiana. To my mind that is ridiculous. Frankly, it is just stuff and nonsense and I cannot conceive how we could swallow such a thing; yet it is in the bill.

I want to say to my distinguished chairman, the gentleman from Illinois [Mr. REED] for whom I have affectionate regard—and I do not like to oppose him and offer contrary opinions—that the gist of this whole matter is in a very brief quotation which I will read from the Louisiana case as decided by the Supreme Court:

> If, as we held in California's case, the 3-mile belt is in the domain of the Nation rather than that of the separate States, it follows a fortiori that the ocean beyond that limit also is. The ocean seaward of the marginal belt is perhaps ever more directly related to the national defense, the conduct of foreign affairs, and world commerce than is the marginal sea. Certainly it is not less so. So far as the issues presented here are concerned, Louisiana's enlargement of her boundary emphasizes the strength of the claim of the United States to this part of the ocean and the resources of the soil under that area including oil.

To my mind, that is decisive of this whole proposition, namely, that all of this mineral wealth seaward from low-water mark is within the domain—that is the word used by the Supreme Court—of the United States Government. The Supreme Court is not going to eat up these words; the Supreme Court is going to follow that decision; it is not going to jump to a different conclusion.

In a sense, I might use an old Turkish proverb which is as follows: Who takes the donkey up to the roof must bring him down again. In other words, what we are doing here is just bringing the donkey up to the roof, and we must bring him right down here again. The Supreme Court will stand by those three decisions, paramount among which was the decision from which I just read.

Now, either we do have confidence in the State Department or we do not have confidence in the State Department. We either must have faith in Mr. Dulles, Secretary of State, or we do not have faith in Mr. Dulles, Secretary of State. Those who are in favor of this bill apparently have no faith whatsoever in the Secretary of State, who conducts our foreign affairs. He has sent representatives to those having jurisdiction over this legislation, indicating opposition to this bill, and the opposition is in the following.

The Deputy Legal Adviser to Secretary Dulles, Jack B. Tate, said:

> The Department is concerned with such provisions of proposed legislation as would recognize or permit the extension of the seaward boundaries of certain States—

He had in mind Florida and Texas—

> beyond the 3-mile limit.
>
> If the Nation should recognize the extension of the boundaries of any State beyond the 3-mile limit, its identification with the broad claim would force abandonment of its traditional position (that 3 seaward miles is the breadth of the territorial limit of any country.)

Then we have another important piece of evidence, as to what the State Department is thinking. This is the statement of Thruston B. Morton, Assistant Secretary of State. He declared that such recognition proposed in quitclaim bills on oil-rich offshore lands, "may moreover precipitate developments in international practice to which this Government, in the national interest, is clearly opposed." Mr. Morton also said, "A number of foreign states are at present showing a clear propensity to extend their sovereignty over considerable areas of their seas." This restricts the freedom of the sea and the freedom of sea has been and is a cornerstone of the United States policy because it is a maritime and naval power.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. DONOVAN. I notice the gentleman's argument is directed toward the part of the bed of the ocean beyond the 3-mile limit, that is, at this point, but something else is bothering me, and that is about that part of the tidelands that is inside the 3-mile limit.

Mr. CELLER. I can ease the gentleman's mind on that score. The Supreme Court has stated in no uncertain language that the domain of the Federal Government extends from low-water mark seaward.

Mr. DONOVAN. Now, this is the question: If the Federal Government has paramount title to the lands under the sea within the 3-mile limit, what would happen to the sand and gravel business off the coast of the State of New York if the Federal Government suddenly decided that those sand people had no right to dig the sand out without paying money to the Federal Government?

Mr. CELLER. I never knew the gentleman's constituents had sand and gravel interests in and around New York.

Mr. DONOVAN. The gentleman does know that they dig sand and gravel out of the tidelands around New York, does he not?

Mr. CELLER. Perhaps. I do not know.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. YATES. Is not the tidelands oil area specifically between the low- and high-water marks of the ocean? Is not the gentleman in error when he speaks of the tidelands out to the 3-mile limit?

Mr. CELLER. Yes. There is no attempt on the part of those who oppose this bill to say that they are taking anything from the States that are called tidelands. Beween low-water mark and high-water mark is proverbially called tidelands. This bill is called the tidelands bill. That is a misnomer. The bill has nothing whatsoever to do with the so-called tidelands. This bill has to do with the lands seaward from the low-water mark outside of tidelands. So that the sand and gravel interests can take all they want out of the shores anywhere between the low-water mark and the high-water mark, provided they own or lease or have rights in the adjoining uplands adjoining the tidelands.

Mr. YATES. Is it not an additional fact that the sand and gravel business is probably conducted on inland waters which belong to the State of New York?

Mr. CELLER. Quite so. There may be some activities elsewhere. I do not know.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. BOGGS. I understood the question of the gentleman's colleague from New York to involve what the gentleman called the tidelands area, beyond the low-water mark. What is the gentleman's answer to his question?

Mr. CELLER. I presume the contractors in New York can get all the sand and gravel they want in the tidelands between the low-water mark and the high-water mark.

Mr. BOGGS. He referred to other lands. What is the gentleman's answer to that question?

Mr. CELLER. He may refer to other lands, but as to other lands the contractors taking out sand and gravel might have to get permission from the Government.

Mr. BOGGS. That is your answer?

Mr. CELLER. Yes.

Furthermore, it is well to know the value of this national heritage of oil which is being given to the various coastal States. The inland States, I think, would be interested in the value of these lands, and in the value of the minerals underneath these lands. The minority report contains some very interesting figures with regard to that, and you will find those figures on page 115 of the general report, the second

page of the minority report. The proven reserves total $1,230,000,000. The potential reserves out to the Continental Shelf of those three States, California, Texas and Louisiana, go up as high as $42,265,000,000. A rather tidy sum. Certainly we cannot hand that wealth to three States without greatest objection and remonstrance.

Here is an interesting table outlining these petroleum resources by barrels and dollars:

Estimated value of United States offshore oil resources

PROVEN RESERVES

	Quantity (barrels)	Value ($2.50 per barrel)
Inside 3-mile limit:		
California	156,345,000	390,862,500
Texas	15,000,000	37,500,000
Louisiana	107,000,000	267,500,000
Total	278,345,000	695,862,500
Continental Shelf, outside 3-mile limit:		
California	0	0
Texas	0	0
Louisiana	214,000,000	535,000,000
Total	214,000,000	535,000,000

POTENTIAL RESERVES

Inside 3-mile limit:		
California	[1] 1,100,000,000	2,750,000,000
Texas	[2] 400,000,000	1,000,000,000
Texas	[1] [1,200,000,000]	[3,000,000,000]
Louisiana	250,000,000	625,000,000
Total	[2] 1,750,000,000	4,375,000,000
Continental Shelf (total):		
California	2,156,000,000	5,390,862,500
Texas	9,000,000,000	22,500,000,000
Louisiana	4,000,000,000	10,000,000,000
Total	15,156,000,000	37,890,000,000

[1] Inside 3-league limit.
[2] Inside 3-mile limit.
[3] Totals exclude data in brackets.

NOTE.—Reserves from U. S. Geological Survey estimates. Value calculated at approximate current crude-oil prices.

This is only the beginning, may I say to the members of this committee. The raid will not stop with the quitclaiming of this offshore oil to the States. The arguments are going to run this way: If it is logical to turn over wealth under marginal seas, then it is just as logical to turn over wealth under Federally owned land to the inland States. The distinguished Senator from Wyoming, Senator HUNT, has a bill which is pending in the Senate to give the States the minerals under Federal lands. The Senator points out that the United States Government got $153 million in royalties from oil under Federal land in his State in 20 years. He wants those future royalties for the State of Wyoming. The western sheep and cattle growers are now casting a longing eye upon public forest and grazing land. Chairman Butler of the Senate Interior Committee threw out the first hint when during the course of hearings, he remarked, "I would like to say here that when the tidelands question is settled, there are plans for introduction of a bill which will make the same theory applicable to the public land now held by the Federal Government within the State." I can readily see that if California can get this oil, why should not the State of Washington get something and exploit the timberlands and the water and the minerals. There is the famous Rainier National Park. While it is not an oil bonanza like that under the marginal seas, that national park could be converted to hard, cold cash for that State.

If marginal seas belong to Texas why cannot the lakes of Jackson Hole—now protected as a monument—be tapped by Wyoming for hydroelectric power and other industrial purposes?

What about Mount Hood National Forest in Oregon? It just sits there, like a picture postcard to be stared at. Why not saw it down—log it off and make some money for Oregon and lumber groups out of it?

Let me read you significantly, part of an article from the New Leader:

The opening gun in the campaign to weaken the Forest Service was fired by Lawrence F. Lee, president of the United States Chamber of Commerce, in a speech before the National Lumber Manufacturers' Association shortly after election.

Remember that is the National Lumber Manufacturers' Association.

Mr. Lee proposed that a study be made by Congress by departments, of the Federal real estate inventory, to the end that all property, which in the public interest is best adapted to private ownership, be offered for sale as soon as possible and thus be placed on the tax rolls and in productive use by private enterprise.

Mr. Lee entitled his speech "A Way Back To Land Freedom," but it was really a program for despoiling public property and turning over assets now owned by all the people to a privileged few. It is up to Americans to keep close watch on their property, whether it be multipurpose dams (which former GE president Charles E. Wilson wants the Government to sell to private enterprise), grazing lands, forest lands, or other valuable resources. The land grabbers have many stratagems and numerous complaisant Congressmen at their beck and call. We must keep a wary eye on them and mobilize all our political strength if we are to thwart their schemes.

Well, it has gotten so far that in the New York State Legislature recently, someone suggested selling West Point. Think of it. A legislator said it could be sold for $20 million to a boys' private prep school. Also I understand, but I am not sure about this, that the attorney general from Kentucky—I hope the Representative from the State of Kentucky will let me know whether this is so or not—that the attorney general of that State even began to size up his State's possible claim to the gold ingots buried in Fort Knox.

Apparently the raid is on. This is the season for plunder.

In South Dakota a wealthy promoter of carnivals and medicine shows negotiated at Pierre, the capital of the State, for exclusive rights to charge admission for viewing the carved heads of Lincoln, Washington, Jefferson, and Teddy Roosevelt at Mount Rushmore.

Well, Mr. Chairman, apparently they are going to put everything that Uncle Sam has of value on the auction block, and they are going to sell everything to the highest bidder. This is the season for easy pickings. I would not be surprised that somebody will come forward with a proposal that we auction off the Post Office Department to the highest bidder.

This offshore-mineral-deposits legislation has surely started some queer shenanigans.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GRAHAM. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. FORRESTER] for the purpose of asking a question.

Will the gentleman state his question?

Mr. FORRESTER. Mr. Chairman, I want to ask the gentleman to refer to page 15 of H. R. 2948 as considered by the full committee last week, and I call the gentleman's attention particularly to the language on that page reading:

Provided, however, That within 90 days from the effective date hereof (1) the lessee shall pay to the State or its grantee issuing such lease all rents, royalties, and other sums payable between June 5, 1950, and the effective date hereof, under such lease and the laws of the State issuing or whose grantee issued such lease, except such rents, royalties, and other sums as have been paid to the State, its grantee, the Secretary of the Interior or the Treasurer of the United States and not refunded to the lessee.

The above quotations are on page 15, beginning with the word "provided," that word being the last word on line 12, and the above quoted language beginning with that word "provided" continues through line 20 and includes the language on line 21, stopping with the semicolon after the word "lessee."

The above quoted language appears in the bill, H. R. 4198, now pending before us, on page 7 beginning with the word "provided," on line 13 and ending with the semicolon after the word "lessee" on line 22.

The gentleman will recall that in our committee meeting I called attention to the committee that the Coastal Petroleum Co., Inc., was the lessee under two leases from the board of trustees of the Florida Internal Improvement Fund, under which leases the Coastal Petroleum Co., Inc., was given the right to explore and extract oil from the tidelands along the Gulf Coast of Florida; that in view of the then pending tidelands cases, a provision was inserted in the leases allowing the Coastal Petroleum Co., Inc., an abatement in rentals to the extent that the areas under those leases might be adversely affected by the United States Supreme Court's decision in those cases; and on December 20, 1949, the trustees of the Florida Internal Improvement Fund passed a resolution abating the rentals on areas which had, in fact, been adversely affected by the decisions of the said Supreme Court in the tidelands cases; and that on March 7, 1950, the trustees of the Florida Internal Improvement Fund adopted a motion crediting rentals paid on such areas by the said Coastal Petroleum Co., Inc., before the passage of the resolution just described, to future rentals on other lands which had not been adversely affected by those decisions.

The gentleman will further recall that I asked our committee if the language I have quoted above would endanger any abatements made to lessees by the States? And that, was the above quoted

language in any way authorized to override any such abatements, for the reason that if it did so authorize that I wanted to offer an amendment to provide that "any rents, royalties, and other sums as have been abated by any State, or its grantee, or otherwise dealt with any existing agreements between any State, or its grantee and the lessee, was and is excepted." I ask the gentleman if he recalls that it was agreed by the committee that no such amendment was necessary, and that under the terms and provisions of the present bill that any and all abatements or rents and royalties heretofore made by any of the States to any lessee would be binding, and that such abatement proceedings would firmly stand as against any provisions in this bill, and that the provisions in this bill apply only to rents and royalties as might be due and which have not been abated or released from payment by the contracting State by and through its proper agents or authorities, and that this bill will be so construed?

I ask the gentleman if it was not the intention of the committee, by the language quoted above, to simply provide that any such payments provided in any contracts by the States and any lessee, which have not been modified or abated by the State heretofore, are the ones that the committee was legislating upon.

Mr. GRAHAM. The answer to the question is, "Yes."

Mr. FORRESTER. I appreciate that.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RILEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RILEY. Mr. Chairman, I am in favor of the passage of this bill. I have uniformly supported similar measures which have been before this body during my service here.

All of us agree that some kind of action on this subject is necessary. The only question is as to the kind of bill we should pass. The hands of the States are tied because of the decisions of the Supreme Court in the California, Louisiana, and Texas cases. The hands of the Federal Government are tied because of the absence of authority to develop, or lease for development, the resources in the lands confiscated on its behalf by the Supreme Court. The issue should be settled so that the lands in question might be developed without further confusion and strife.

In the beginning the Federal Government owned no land. Such land as it owns has been acquired primarily by purchase or by grants from the States.

At the conclusion of the Revolution, each of the Original Thirteen States became the absolute owner of all lands beneath the tidal and navigable waters within its boundaries, except such portions, if any, as had previously been granted out by the former sovereign. These lands were not surrendered to the Federal Government by the Constitution or otherwise. Had any doubt existed, and none did until recently, the 10th amendment should have set it at rest. The 10th amendment was thought to be the answer to the widespread fear, prevalent at the time of its adoption, that the Federal Government might attempt to exercise powers which had not been granted to it. Recent developments have shown that those fears were not groundless.

That the Federal Government is a government of delegated powers is too well established to require comment. And I submit as incapable of being successfully attacked the following proposition: That since the sovereign powers enjoyed by the Federal Government were derived from the States and expressly limited by the 10th amendment, its sovereign rights can rise no higher and can have no greater effect than those powers which were delegated to it.

Prior to 1937 no one questioned that the lands under consideration were owned by the States. The Original Thirteen States owned their submerged lands by virtue of the titles acquired at the end of the Revolution. That the States subsequently admitted into the Union were admitted on an equal footing has been held by the Supreme Court in cases too numerous to mention.

For more than 150 years prior to the California case, the States had been in possession of and had been using these lands in good faith. I am informed that, prior to the decision in that case, there were 53 other Supreme Court decisions and 244 decisions by State and Federal courts which held that the States owned all lands beneath the navigable waters within their territorial jurisdiction, whether inland or seaward. On the strength of this authority, the States have in good faith encouraged and regulated the development of the natural resources found in the seas and lands lying thereunder within their boundaries. They have granted permission or leases for the construction of piers, docks, and other shore structures and for the filling in and reclamation of submerged lands. During all these decades in which the States exercised all the rights of sovereignty over these lands, no doubt was expressed as to the fact that the States owned these areas just as completely and just as surely as they did inland properties. It was only upon the discovery that valuable oil deposits were contained in these lands that the Federal Government showed any interest in claiming them.

That it was the settled law of the land that the lands now in controversy belonged to the States is further borne out by the fact that numerous grants of submerged lands outside of inland waters have been made by the States to the Federal Government. Would the Federal Government have gone through the steps necessary to accept a conveyance of land from a State if it had not believed that the land was owned by the State?

Since this controversy arose, much propaganda has been circulated to the effect that only a few States are affected. That is not true. The principle involved in the decisions which this bill will correct affects the sovereign interest of every State in the Union. I am told that, though various interpretations of the tidelands cases have been made, the vast majority of the lawyers of this country agree that these decisions cast a definite cloud upon title to vast areas of lands under the inland waters within the boundaries of all the States. And I have heard grave doubts expressed by my friends from the Middle West as to the title to lands under and lands reclaimed from the Great Lakes.

Though my own State of South Carolina has no commercial oil fields, it is vitally interested in the question involved. In South Carolina we have 461 square miles of submerged lands under inland waters and 561 square miles of submerged lands under the marginal seas. Structures erected into the ocean as well as the mineral deposits under the waters are affected by the decisions in the tidelands cases. In 1948, the Supreme Court ruled, in the case of Toomer against Witsell (334 U. S. 385), that the power of South Carolina to regulate fishing in the marginal-sea area within its boundaries could be exercised only in the absence of a conflicting Federal claim. The basis of this holding was the decision in the California case.

The fishing industry is already important in my State and offers promise of becoming a great industry. But the power of the State to regulate it is at present at the mercy of the Federal Government.

I might add, in discussing my State's interest in this subject, that the attorney general of South Carolina was one of the 45 attorneys general who filed briefs amicuse curiae in the California case to support California's defense and to oppose the assertions of power made by the Federal Government.

The issue before us today is not one of oil, though there are those who would have us believe that. The issue goes much further than oil. The Court's opinions are certainly not limited to oil. The problem before us is as broad as the Court's decisions and the intentions, present or future, of the Federal departments.

If the Federal Government can take oil lands in coastal States, it can do so in inland States. If it can take oil, it can take any other resource. There is no limit to the potential areas of exploitation which have been opened up for the Federal Government by the decisions in the tidelands cases. To say that this possibility is far-fetched is no answer. It is no more far-fetched than the claims made and upheld in the California, Louisiana, and Texas cases. Nor is it sufficient to answer by saying that Federal officials have expressly denied the intention of exerting any further claims. If one Attorney General can justify the position of the Government in regard to the tidelands on the ground that the question had not previously been raised, may not another Attorney General make the same justification in filing a test case involving inland waters? The fact that the Federal Government has not as yet advanced such a claim is certainly no protection to the States. Under the holding in the California case, officers of one administration can no more legally waive the rights of the Federal Government to other lands or resources other than oil by disclaiming any interest therein than could their predecessors in

office legally waive the Federal Government's paramount rights over the oil by ruling that the submerged lands belonged to the States.

As I understand the decision of the Supreme Court in the California case, it was based on two grounds: First, the responsibility of the United States for the conduct of foreign affairs; and, second, its responsibility for national defense and the need of oil therefor. The Court assumed that the natural resources in these lands and waters might be vital to the national defense and that they might become involved in international negotiations conducted by the Federal Government with other nations.

I fail to see how national representation in foreign affairs implies national ownership. The Federal Government represents the whole Nation in international affairs, but that does not require that the Federal Government must own everything entering into such affairs.

Nor am I able to see how the Federal Government's responsibility to protect the shores can give it rights heretofore identified with the ownership of those shores. It does not follow that because the Federal Government is empowered to maintain a navy and to provide for the national defense it can appropriate to itself property owned either by States or individuals. If certain properties are essential for governmental use in the exercise of these powers, the Government may acquire them under its power of eminent domain. But this involves due process of law and the payment of just compensation as required by the fifth amendment. The mere existence of need, no matter how great, can never justify a circumvention of the fifth amendment.

Justice Frankfurter in his dissent in the California case said:

> The needs of defense and foreign affairs alone cannot transfer ownership of an ocean bed from a State to the Federal Government any more than they could transfer iron ore under uplands from State to Federal ownership. National responsibility is no greater in respect to the marginal sea than it is toward every other particle of American territory.

Justice Reed in his dissent in the same case said:

> This ownership in California would not interfere in any way with the need or rights of the United States in war or peace. The power of the United States is plenary over these underseas lands precisely as it is over every river, farm, mine, and factory of the Nation.

If the principle established in the tidelands cases is permitted to stand unchallenged, the Federal Government can, with the aid of an overzealous Supreme Court, invade and appropriate unto itself property almost without limitation as well as powers and rights historically and by the Constitution reserved to and exercised by the States.

In arriving at its decision in the California case, the Supreme Court evaded all its prior jurisprudence on the subject of tidal ownership by each State for its sovereign people and its often repeated decisions that the Original Thirteen States absolutely owned all their navigable waters and the soils under them for the common use of the sovereign people of each State, subject only to the rights surrendered by the Constitution to the Federal Government, and that all States subsequently admitted to the Union succeeded to the same ownership and rights of sovereignty. No State has denied the power of the Federal Government over the navigable waters of the Nation that exists by virtue of its powers to regulate interstate and foreign commerce and to provide for the national defense. But the existence of these powers of the Federal Government is not inconsistent with State ownership of the lands below the navigable waters and should not be used as a basis for changing the original ownership of these lands from the States to the Federal Government.

The issue before us today has been clouded by the interjection of Federal aid to education as a rallying post around which to gather opposition to the bill. The desirability of such aid for schools is itself a controversial issue upon which so far as I know, the Congress has never affirmatively expressed itself. But even if we assume the nobility and the desirability of Federal aid to education, it has no place in the solution of this problem.

The issue before us is a fundamental one of States rights and of basic principles. The principle established by the tidelands decisions is far reaching and transcends all questions as to the value of oil or other properties involved.

Our duty in my opinion is clear. We must do what is right as the light of history has shown us what is right. We must counteract this step which has been taken toward nationalization of our resources and further centralization of power in our Federal Government. We must show the Nation that Congress still has sufficient power, as the Constitution intended, to remedy errors by the courts and the executive branch when the results are such as to circumvent, ignore, or run roughshod over the Constitution and when the results are such as to bring about substantial injustices such as were brought about by the tidelands decisions. We must affirm for all time the unwritten law under which we have operated for so many years. A proper regard for States rights and for property rights requires that this bill be passed.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. WILSON].

Mr. GRAHAM. Mr. Chairman, I yield the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Texas [Mr. WILSON] is recognized for 20 minutes.

Mr. WILSON of Texas. Mr. Chairman, for 15 or 16 years now we have heard much talk and argument about the so-called tidelands bill. "Tidelands," of course, is a misnomer, for as previously stated, it refers only to that strip of land between the low and high water marks. Why, except for the sake of brevity, the bill is called the tidelands bill, I do not know. There has been more propaganda, more untruths, and more misstatements made about this and other bills on the subject than I think have ever been made about any legislation pending before this Congress at least since I have been here, and this is the seventh year I have been here.

I heard a man on television a few days ago—he was a Member of the other body—say that there were some several trillions of dollars involved in these tidelands. That is a figment of somebody's imagination. Nobody knows how much oil is beneath the sea beyond the boundaries of the States; nobody could possibly know how much oil is under the Continental Shelf or the outer Continental Shelf. Geologists and others have said that they estimated, based upon the showings in the salt dome formations that have been explored, that there is somewhere between twenty and forty billion dollars worth of oil and gas in that territory. That is a pure guess, but I think all this talk is thrown out for one purpose, and that is to take your minds and the minds of the Members of the other body from the facts, to drive you away from the facts so that you will be laboring under the impression that you will never have to vote any more taxes if you will just get these tidelands regardless of how you get them.

There are several different groups who believe the money should be placed in the Treasury for the use and benefit of various purposes. I think this is a good bill; I think the facts will demonstrate to those of you who are open and fair-minded, the facts will demonstrate this bill to be a good bill. How anyone could make the statement that this is a give-away, as far as the facts of many of the coastal States are concerned and many of the Great Lakes States, and be within the facts, I do not understand.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I will yield later.

Texas gained its independence in 1836 by force of arms. In 1836 immediately after gaining its independence it openly and notoriously proclaimed that it owned as a part of its public domain the area 3 leagues into the Gulf of Mexico beginning at the mouth of the Rio Grande, 3 leagues from shore and ending at the border of Louisiana. Nobody ever contested that claim while it was a republic and a free nation for 10 years.

When the Federal Government, the association of States, asked Texas to become a member, and Texas wanted to become a member, the Congress adopted a resolution the words of which are very plain. I inserted these words in the CONGRESSIONAL RECORD some little time ago and will not take the time to read all of them now. But it provided that Texas should keep its public domain and would pay its debts of $10 million. Texas paid its debt of $10 million. This joint resolution adopted by the Congress, which was in effect a treaty, has been recognized since that time and was never questioned by any man until Secretary Ickes questioned the matter with respect to all the coastal States.

Many statements have been made, one by my former distinguished chairman, the gentleman from New York, that he could not understand the provision in this bill permitting the States to tax in

the outer Continental Shelf. Let me read you section 189 of the Federal Leasing Act which applies to all of the Federal domain of all of the Western States, now known as the reclamation States. I will only read the section with respect to taxes:

Nothing in this section shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes on improvements, the output of mines and other rights or assets of any lessee of the United States.

What will this area become if this bill is passed and finally endorsed by the President? It will become the public domain of the United States. That is, that area outside of the historical boundaries of the States will become the public domain of the United States. What is this land that we find in the reclamation States of the West? It is the public domain of the United States.

Under section 189 of the Federal Leasing Act you even give local governments, any political subdivision, the right to tax. Some member in committee asked: Why should the contiguous States have the right to tax? As you know, the families of these men who are out on these large derricks built upon steel piling—many times 100 to 150 men work out there when they drill these wells—live on the shore, they live in the abutting or contiguous States. These families use the schools, roads, fire and police departments, and have all of the prerogatives as any other citizen. Is it not just as fair for the abutting States to be allowed to assess some kind of tax, and this bill limits it to a severance or production tax, which would be a tax entirely upon the lessee after he severs the oil? Is it not just as fair to permit those abutting States to collect a little tax in order to reimburse themselves for carrying on these services which are received by these people employed to explore this area? Is it not just as fair for these States to be able to do it as it is for the western reclamation States? I cannot see the difference. If there is any difference, I cannot see it.

There has been a lot of confusion about 3 leagues, 9 nautical miles, and 10½ miles. If you will refer to your proper dictionaries, you will see that a league is 3½ land miles, and the 9 nautical miles, which is referred to by nautical people, is also 10½ miles. So what appears to be confusing is only the use of different terms describing the same area.

As was stated by the gentleman from Louisiana [Mr. WILLIS], this bill deals with the inner Continental Shelf which is out to the historical boundaries of the several States, and contrary to what many of the opponents of this bill say when they try to lead you to believe that this is just a steal on the part of Texas, Louisiana, and California, they forget about all the other States as was stated this morning by the gentleman from Massachusetts [Mr. NICHOLSON]. Their claim, the claim of the State of Massachusetts, predates any claim Texas has. I think he is entirely right when he says he would not give up 1 inch of the territory of Massachusetts for any amount of money, and that is the way we feel in Texas. You are not giving us anything in this bill. We have owned this property since before 1836 and we obtained it by right of arms. We gained it when we gained our independence and asserted a claim to it. What did the Federal Government do 2 years after 1846 when Texas came into the Union except enter into an international treaty with Mexico. With regard to the boundary between this country at the border of Texas, after Texas became a State, in the Treaty of Guadalupe Hidalgo, these words are used. This treaty was entered into in 1848 between the Federal Government and the Government of Mexico:

The boundary line between the two Republics shall commence in the Gulf of Mexico 3 leagues from land opposite the mouth of the Rio Grande River, otherwise called Rio Grande del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea.

They recognized in 1948, 2 years after Texas became a State of the Union, that 3 leagues was also the starting point of the boundary between Mexico and the United States. That, of course, shows that the joint resolution adopted by Congress in bringing Texas into the Union also recognized the boundary at the same point.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield to the gentleman from Kentucky.

Mr. PERKINS. I can understand the gentleman's claim concerning the State of Texas but I would like for you to tell this Committee from what source and when did the Thirteen Original Colonies obtain title to the marginal sea, the 3-mile limit from the low-water mark seaward?

Mr. WILSON of Texas. The gentleman was here when the gentleman from Massachusetts [Mr. NICHOLSON] gave his answer; was he not?

Mr. PERKINS. The gentleman from Massachusetts did not touch on that point.

Mr. WILSON of Texas. I ask the gentleman to consult the Members here from those States.

Mr. PERKINS. Well, I want to know. They do not have any title at all.

Mr. WILSON of Texas. Now, it is very important that this matter be settled once and for all. It is important not only to Texas, Louisiana, and California, but every State in the Union, every coastal State and every Great Lakes State, and it is important also that the inland States have this bill passed, not that they will get anything out of the coastal part of it, but that the inland waters and their lake beds and their river bottoms be settled for all time to come. It is important that this area, which is rich in oil and other minerals, many of which minerals we may not even know exist, be developed and developed at the earliest possible moment.

As was stated by Chairman REED, development in his area is now practically at a standstill. As a matter of fact, Texas was enjoined June 5, 1950, from accepting any further money. This bill ratifies and confirms the leases that have been made by the various States to this area within their boundaries, also ratifies those leases entered into on the outer continental shelf. These oil companies at their own peril will not continue to develop this area until they know who is supposed to own it and who they can get title from. You cannot blame them.

There are many costal States, not just Texas, California, and Louisiana. We talk about the police power. Some Members seem to be very afraid of the police power. The police power is only that power that flows from constituted society in an effort to protect itself by its civil and criminal laws. Do you think there is any danger in permitting an abutting State contiguous to this territory to enforce its criminal laws and protect the public interest in that area?

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield to the gentleman from Louisiana.

Mr. WILLIS. Is it not so that according to the very provisions of this bill the police and even the taxing power provision will prevail only as long as Congress does not invade the field, and that could be changed later?

Mr. WILSON of Texas. That is absolutely true.

Mr. WILLIS. The purpose is a continuity of the applicable local laws, the conservation laws, and so forth.

Mr. WILSON of Texas. That is absolutely true.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield to the gentleman from Illinois.

Mr. YATES. What is an abutting State? Suppose in this continental shelf beyond the political boundaries of the State you have a crew drilling for oil. As I understand the bill and the statement the gentleman has previously made, the contiguous State would be enabled to pass a severance tax applicable to that oil. Could not any State on the Gulf claim to be a contiguous State for the purpose of passing a severance tax, and who would determine that question?

Mr. WILSON of Texas. The line would be drawn, provided the coastline was in a circle. A point 10½ or 3 miles from the coastline can always be established. There is no trouble about that. The courts will have to establish where the lines are.

Mr. YATES. But suppose this is a point 15, 20, or 25 miles out?

Mr. WILSON of Texas. Extend the line straight on out to the end of the continental shelf.

Mr. YATES. Which State would have the power and which State would determine it?

Mr. WILSON of Texas. The abutting State would have the power if the line were extended.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield to the gentleman from California.

Mr. HILLINGS. Is it not true that the bill actually provides the line would be drawn by the Secretary of the Inte-

rior? That meets the objection just raised.

Mr. WILSON of Texas. That is right.

This bill, or a bill with language very similar, has been passed twice by this House by an overwhelming majority. The last time I believe the vote was 265 to 109. Before that I think this bill passed by a much larger majority. Both Houses of the Congress have always recognized the importance of this legislation to the country, internationally as well as nationally. It is important to protect its natural resources; and, by the way, let me get to that.

Many of the States, some States, at least, including Louisiana and Texas—I am not certain about California—have laws to prevent waste. They have conservation laws to prohibit any man even on his own private property from destroying this national resource, from abusing drainage, and from abusing letting off the pressure under the ground that brings the oil to the surface. It is absolutely essential that conservation laws cover this territory, otherwise a few drillers would dissipate that great natural resource which we need so badly, and which we can always use in this country in case of war or in peace.

Just imagine 10½ miles off the coast of Texas in the Gulf, where 1 man has a lease and can drill down, let us say, five or six thousand feet—I am not familiar exactly with the depth of these wells.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GRAHAM. Mr. Chairman, I yield 3 additional minutes to the gentleman from Texas.

Mr. WILSON of Texas. Suppose that one oil company had a lease out to the State line, 10½ miles, presuming that title 1 and title 2 pass, where the conservation laws apply and where the Railroad Commission of the State of Texas, who have very fairly but firmly enforced all conservation laws, provides that any operator can only draw 25 or 30 barrels a day off of each well. Suppose that the Federal Government should go out there and start a leasing program, and lease a thousand acres of that land, and a man right outside the State boundary would drill a well into the same salt dome, and he could stand there and draw 25,000 barrels a day if there was that much pressure, bringing the oil out; he could drain that pool in a very few months or weeks and destroy all the interest in the rest of the salt dome notwithstanding that he might be right on the edge of it, and the main part of it lie within the State boundaries. I asked Secretary McKay when he was before the committee if he thought, in view of the fact that the Federal Government has no conservation laws, that it was not absolutely imperative, and would it not be proper for the State conservation laws to apply in this area until the Congress has an opportunity to pass laws governing it, and he said, "Yes." I asked him also if he would have any objection to police powers and taxing powers on a purely temporary basis until the Federal Government preempted the field by legislation, and he said he would not. You will find that in the hearings on this bill.

Mr. Chairman, this is a long and complicated bill, and I have only been able to discuss very small parts of this entire matter as some of the other Members have done, but in view of the fact that it has been passed twice by the House by overwhelming majorities, and because the bill is not substantially changed except that it does cut out 37½ percent to be reserved by the States under the Walter bill, I feel the bill should pass.

Mr. THOMPSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield.

Mr. THOMPSON of Texas. The gentleman knows I am a layman and not a lawyer. But suppose I came to you as my family lawyer and told you that I had occupied a piece of property and had been in peaceful possession of it with no adverse claim made against me for 20, 30, or 50 years. Would you tell me I had good title to it?

Mr. WILSON of Texas. I certainly would. That is if you had occupied it intentionally and openly and notoriously and had it fenced for 10 years, but you would not even have to have a fence if it were 25 years. All States have statutes of limitations in cases of that kind.

Mr. THOMPSON of Texas. This is not fenced, that is true. But then you would tell me that if someone else moved in on me, you would take the case into the courts and defend my title to the land?

Mr. WILSON of Texas. I certainly would.

Mr. THOMPSON of Texas. And if you took it to the Supreme Court, I venture to say you would tell me that they would also sustain my title?

Mr. WILSON of Texas. I certainly think they would.

Mr. THOMPSON of Texas. This question is not put as a smart-aleck question, but why then does the Supreme Court of the United States deny the State of Texas the same right and privilege that they would grant me as an individual citizen.

Mr. WILSON of Texas. That is what I would like to know. I believe the Supreme Court was wrong in the Tidelands case.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. THOMPSON of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMPSON of Texas. Mr. Chairman, the sentiments which I would like to leave with the Committee are those of a layman and one who is fully cognizant that on the Committee there are many able and experienced lawyers.

Texas held undisputed title to the so-called tidelands out to the traditional three-league boundary ever since Texas became a State, until the Federal Government stepped in with an adverse claim less than 10 years ago. By its claim the Government undertook to set aside a principle which I have always known as squatters' rights. These rights vary somewhat in different States, but in general if an individual has used and occupied a piece of property for some 10 years and if there have been no adverse claims in the meantime, he has a good title to such property. If the position of the Federal Government is finally sustained in this case, it would seem to me that it would render doubtful any title claimed under squatters' rights.

I have often noted in the course of the tidelands controversy in recent years that Texas is represented as trying to grab something that does not belong to it. The Texas position, of course, is that the grab came the other way. Texas had held peaceful possession for many years and continued to do so until the Federal Government asserted its claim.

Certainly the Texas position differs from that of any other State. The agreement with the Federal Government when Texas became a State is perfectly valid and has never been violated by the State. Under the present circumstances and without the passage of the legislation presently being considered, it is the Federal Government which has violated the contract. The opportunity is before your committee to direct that this contract be observed just as a lawyer would insist in any court in the land that a contract between individuals be carried out in accordance with its terms.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Chairman, on page 122 are some minority views of three members of the now majority, in which we differ with the committee report and point out that we are opposed to the provisions of the bill insofar as they grant to the States the area between the low-water mark and the outer edge of the so-called marginal belt or the historic State boundary. We believe this to be a windfall to a few States at the expense of all the States.

We do favor the provisions of the bill which confirm in the Federal Government the so-called outer Continental Shelf, except in one important respect, and it is to that I want to address myself briefly.

I am not under any misapprehension about the likely outcome of this debate in view of the forceful point made by my good friend and colleague from Texas [Mr. WILSON] that this bill has already been passed several times with margin to spare. If it is to pass, however, that is all the more reason for us to be sure that its provisions are sound.

It seems to me it is fraught with dangerous possibilities for the States to have the right to tax property which is held to belong to the United States as is provided on page 12 of this bill. I propose at the appropriate time to offer an amendment to provide expressly that this power shall not be vested in the States, and affirmatively that State taxation laws shall not apply in the areas of the outer Continental Shelf. With all due regard for the opinion of our able Secretary of the Interior as related here by the gentleman from Texas, I feel certain, as a lawyer and legislator, that we should not include this State power in this bill. It would be a precedent which this Congress should never adopt. Nor

is the objection to it cured, in my judgment, by a provision that it shall apply only until the Congress gets ready to do something different. Now is the time when we are legislating on this bill. Now is the time we should say or refuse to say that the abutting States shall have this taxing power.

I ask unanimous consent, Mr. Chairman, that at this point in the RECORD I may be permitted to include the text of a proposed amendment which I shall offer when we are reading the bill, in order that the Members may be informed regarding the position which I have outlined.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. The text of this amendment is to strike out the paragraph on page 12 beginning with line 9 through line 24 and insert in lieu thereof the following:

> Except to the extent that they are inconsistent with applicable Federal laws now in effect or hereafter enacted, or such regulations as the Secretary may adopt, the laws of each coastal State which so provides shall be applicable to that portion of the outer Continental Shelf which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the Secretary shall determine and publish lines defining each such area of State jurisdiction: *Provided, however,* That State taxation laws shall not apply in such areas of the outer Continental Shelf. The Secretary shall reimburse the abutting States in the amount of the reasonable costs of the administration of such laws.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MCCARTHY].

Mr. MCCARTHY. Mr. Speaker, I think there is a rather interesting contradiction manifest here today. Mary Pickford out on the steps of the Capitol has just launched a program to raise some 3 or 4 billion dollars through bond sales, while we here in the House are in the act of giving away billions of dollars of public property. At least, if we stand by the decision of the Supreme Court it is entirely fair to say that we are giving this area to the States that are asking for it.

I would like to quote a statement which should be considered in contrast with the statement of President Eisenhower, which was read some time ago. This statement was made on June 16, 1952.

He was referring to an earlier statement he had made on the tidelands question. On June 16, Candidate Eisenhower said:

> I did not know that there was a great struggle going on and I found out later that there was a Supreme Court decision on it, and I am one who obeys the Supreme Court.

One can obey the Supreme Court I assume and still support this legislation, but if one is going to obey the Supreme Court I think he should acknowledge that that decision of the Court to the effect that the States have no title in the submerged lands should stand, and we should then go on to decide whether or not we want to grant title, whether or not we want to give away, if you call it that, this land, this oil, and these minerals to the various States.

I see my friend from Massachusetts [Mr. NICHOLSON] is here. Earlier today, I was somewhat surprised to hear him indirectly attack the Supreme Court urging that Congress should override the Supreme Court.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. MCCARTHY. The Supreme Court is one of our great American institutions. Many Members of this House who apparently are supporting this legislation thought the Supreme Court was a great institution when it overrode the President's order by which he attempted to take over the steel industry of this country. This is the same court that made that decision.

I now yield to the gentleman from Massachusetts.

Mr. NICHOLSON. The gentleman misunderstood me.

Mr. MCCARTHY. I hope I did.

Mr. NICHOLSON. I recognize the Supreme Court as one of the three coordinate branches of Government in this country, but I do not have to fall in love with those who compose its membership at a particular time or make certain decisions that have been handed down.

Mr. MCCARTHY. I think the gentleman will have to accept more than one decision, though.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. MCCARTHY. Not at this point; I will later.

If we hold that the legal title here is really vested in the Federal Government, then we must establish other grounds upon which to grant title to the States. It has been argued that we should do so in equity. The gentleman from Texas said he did not want charity, so I suppose we should not give it to them in charity.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. MCCARTHY. I yield.

Mr. PERKINS. I presume the gentleman from Minnesota also heard the gentleman from Texas, Mr. WILSON, make the statement that there had been a lot of propaganda about the other States, other than Texas, California, and Louisiana. I will ask the gentleman if it is not a fact that this purported claim resulted from the interest of these three States alone?

Mr. MCCARTHY. I think that is right.

I now yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman recognizes, I am sure, that even if the gentleman accepts the Supreme Court decision in these cases that Congress would still have to legislate; is not that a fact?

Mr. MCCARTHY. Yes; I accept that.

Mr. BOGGS. Does the gentleman deny the right of Congress to interpret or even to override a Supreme Court decision?

Mr. MCCARTHY. No; I do not think so; I have not denied that. But I do think it is dangerous to say that we should not pay attention to the Supreme Court decisions and that we should appeal to the Judiciary Committee or to the Committee on Insular Affairs for a reversal of the decisions.

Mr. BOGGS. The gentleman knows that Congress has legislated many times.

Mr. MCCARTHY. I accept that to an extent, but the Supreme Court decision in this case was not based on statutory authority; throughout it was based on constitutional authority and upon the basis of traditional and historical arguments and treaties.

Mr. BOGGS. Mr. Chairman, will the gentleman yield further?

Mr. MCCARTHY. I cannot yield further. I have given more of my time now than I can spare.

If we can assume that the proponents of this bill accept the decisions of the Court to the effect that the coastal States do not have title and ownership of the lands beneath the marginal seas, the question to be debated and settled then is this, of whether for reasons of equity, or of charity, or for pragmatic reasons, such as the more rapid, or more orderly development of these resources, or in consideration of international relations and possible international conflicts, title to these lands should be granted to the States bordering on the seas, or whether title to these lands shall remain with the Federal Government.

The Supreme Court holds that the oil and other minerals in the submerged lands belong and have always belonged to the United States. The States thus appear to have no sound legal title. Can they claim title on the basis of the ordinary extra legal claims to ownership, or occupancy, control, and development, or adverse possession? The advocates of this transfer argue that a court of equity would settle the question promptly in favor of the person who had held possession of the land in good faith for over 100 years. They fail to prove this contention.

The case in equity is not much better than the case for legal claim. The States of the Union have not defended or assumed responsbility for this area.

First. They have not entered into international disputes or international agreements regarding it. They would not have been recognized by other nations if they had attempted such negotiations. Second. They have not even claimed title until recently. The commonly accepted definition of public lands both by the Republic of Texas and by the United States excluded the submerged lands of the marginal sea from the general term "public lands"—see brief for the United States in support of motion for judgment, United States against State of Texas, October term 1949, pages 22–34. The debates and correspondence relative to the question of the payment of public debt of Texas when admission to the Union was under consideration, show that all parties considered the vacant and unappropriated lands to be the equivalent of public lands. For example, when a special committee of the Texas constitutional convention appointed to inquire into the amount of appropriated and unappropriated domain in Texas and the value of such lands with a view to payment of the Texas debt reported it did not list in its report submerged lands of the marginal sea.

Debates in the Texas constitutional convention clearly showed also that the

"vacant and unappropriated lands" were lands for occupancy, or else waste lands and mountain ranges. There is no mention of submerged lands, or areas within the marginal seas. Until recent years the Commissioner of the Texas General Land Office did not include lands under the Gulf in accounting for the disposition of the public domain. The report of 1880, for example, showed the total domain of the State as 172,604,160 acres, comprising 151,811,390 acres already granted or reserved for specified purpose, 1,722,880 acres of bays and 19 million plus acres subject to location. The 1936 report estimated the total area at 170,936,080 acres, comprising 165,852,244 acres surveyed, granted or reserved, 1,500,000 acres unsurveyed in coastal areas, river beds, and vacancies, less loss due to conflicts estimated at 3,500,000 acres. Neither tabulation included lands below low water mark in the Gulf. In the 1941 report the Commissioner gave 170,926,000 acres as total area of the State, and the total area to the three league limit as 172,687,000 acres of which 3,250,000 were in submerged lands. This appears to be the first inclusion of the Gulf lands in any itemization of the State's public domain. This is a very recent expansion of the definition of "vacant and unappropriated lands."

Third. To what extent have the coastal States developed the submerged lands in the Continental Shelf. Unquestionably there has been some development of resources. The value of such development and the extent of operations has been very limited and insufficient as a basis for a claim in equity. It would be comparable to claiming a section of the national forests because one had picked blue berries in it without being molested, or hauled out a load or two of gravel. The fact that one had picked the blue berries would scarcely establish claim to the timber stand in the area, or to minerals beneath the ground. When California, then Louisiana and Texas, through their lessees went out into the marginal sea and appropriated for their own use and benefit mineral resources to which the Supreme Court has ruled they had no claim, they did not ask or obtain permission from Congress, or any other Federal agency. After the Senate in 1937 passed a resolution authorizing the Attorney General of the United States to assert and maintain the title of the United States to the oil in the submerged lands they did not stop, and even after the decision in the California case in 1947 Texas at least continued to make leases, and obtained the sum of approximately $8,300,000 in bonuses and began the collection of rentals for leased areas. Even after the 1950 decision Texas and Louisiana have continued to make collections.

If existing leases are ratified and confirmed as was contemplated under the provisions of Senate Joint Resolution 20 which was considered last year, and as is provided for in the Anderson bill, the claims in equity on the part of the State for their contribution to the development of the oil resources in the Continental Shelf will be more than adequately repaid. They are being allowed to keep the many millions they have obtained from natural resources which the Supreme Court has held belong to the Federal Government.

As a matter of fact the oil companies and engineers can probably make a better case on these grounds to ownership than can the State of Texas, and the coastal States. They risked funds, they provided the men and materials. If they had come from New Jersey could Texas have disputed their claims or halted their work and by what power? On the other hand, the Federal Government, since the United States was established, has claimed sovereignty over the seas adjacent to the United States, and since the Executive proclamation of September 1945, issued by President Truman, has claimed on behalf of the United States control over mineral resources of submerged lands under the sea off the shores of the United States to the edge of the Continental Shelf. The Federal Government has assumed responsibility for the defense of the coasts from the beginning of the Nation.

At the time of negotiations between Texas and the United States for annexation of Texas, that Republic was eager to obtain the protection of the United States forces in defending its territory from attack from the Indians and from the Republic of Mexico. The 3-league claim of Texas, prior to annexation was never recognized as having the same force as the 3-mile understanding accepted then, and since the 3-mile limit was determined by the fact that early cannon could fire no more than 3 miles. The Texas cannons apparently were three times more powerful.

Diplomatic correspondence resulting from the signing of the Treaty of Guadalupe Hidalgo shows clearly the concern of other nations over the boundary provisions. A major contention of those supporting the special claim of Texas to a marginal seabelt extending 3 leagues into the Gulf of Mexico has been that this claim was recognized in the Treaty of Guadalupe Hidalgo between the United States and Mexico and ratified after the admission of Texas in 1845. Article V of the treaty contains this clause:

> The boundary line between the two Republics shall commence in the Gulf of Mexico, 3 leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea (5 Miller Treaties 213).

This treaty established a line between the United States and Mexico at only one point on the coast. Maps of the time show no signs of a seaward boundary off the coast of the United States and Mexico. This was simply an extension of a boundary point at one point on the coast. Where the boundary line was located on the west coast it was drawn only to the coast and not extended 3 leagues into the sea. Article V says specifically with regard to the boundary "thence across the Rio Colorado, following the division between upper and lower California, to the Pacific Ocean."

The text of article V of the treaty and memorandums, and letters passed between the United States and Mexican officials charged with the actual plotting of the line indicate their concern only with the line extending from the mouth of the Rio Grande, not its extension across the Gulf, or its determination on the west coast. Moreover, for over 100 years the United States Department of State has consistently interpreted the Treaty of Guadalupe Hidalgo as not establishing the international seaward boundary off the coasts of Mexico and Texas.

A letter to Senator Connally, on December 30, 1949, contains this statement:

> Accordingly, this United States Government claims and asserts the extent of territorial waters in the Gulf of Mexico and elsewhere along its coasts of three marine miles. It does not recognize any claim other than its own as binding on the relations of the United States with foreign nations. It does not, therefore, recognize the Texas claim of 3 leagues as binding for international purposes and does not recognize the Texas claim as binding upon Mexico or the nationals of Mexico.

Excerpts of earlier diplomatic correspondence bear out this explanation.

Mr. Buchanan to Mr. Crompton, August 19, 1848:

> In answer, I have to state that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties can have no just use of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain, or any other power may possess under the law of nations.

On September 3, 1863, Secretary of State affirmed the same interpretation.

On January 22, 1875, Mr. Fish to Sir E. Thornton:

> We have always understood and asserted that pursuant to public law no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast. * * * In respect to the provision in the Treaty with Mexico, it may be remarked that it was probably suggested by the passage in the act of Congress referred to "12-mile customs rule" and designed for the same purpose, that of preventing smuggling.

On June 3, 1936, Mr. De L. Boal to Senor General Hay, said this:

> That portion of article V of the treaty of 1848 which the Mexican Foreign Office quotes relates only to the boundary line at a given point and furnishes no authority for Mexico to claim generally that its territorial waters extend 9 miles from the coast. * * * Presumably it is true as indicated by a note sent by this Department to the British Minister of January 22, 1875, that the arrangement thus made between the United States and Mexico with respect to the Gulf of Mexico was designed to prevent smuggling in the particular area covered by the arrangement. * * * To say that because the United States agreed that in one area, so far as the United States was concerned, Mexican territorial waters extended 3 leagues from land, therefore Mexico was entitled to claim such an extent of territorial waters adjacent to her entire coastline is a deduction which the terms of article V of the treaty of 1848 do not warrant.

The convention of 1838 between the United States and the Republic of Texas establishing the northern boundary did not extend the boundary 3 leagues into the Gulf of Mexico.

In 1838 the United States and the newly forced Republic of Texas entered

into a convention to establish a boundary line betwen the two Republics. This convention is especially important in analyzing the true intent of article V of the Treaty of Guadalupe Hidalgo since its represents a boundary line with the independent Republic of Texas terminating at the mouth of a navigable river at the time the Republic of Texas claimed extent of territorial waters 3 leagues into the gulf.

The convention provided for the appointment of Commissioners to "proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulf of Mexico, to the Red River"—Eighth Statute, page 511. The Joint Commission was formed and actually began running the line from the mouth of the Sabine River, and not 3 leagues from the mouth into the gulf.

On the 21st we proceeded to the entrance of the Sabine River into the Gulf of Mexico, and then, in virtue of our respective powers, and in conformity to the provisions of the convention between the two countries * * * we established the point of begining of the boundary between the United States and the Republic of Texas at a mound on the western bank of the junction of the river Sabine with the sea. (S. Doc. 199, 27th Cong., 2d sess., p. 59.)

Thus a boundary line was agreed to between the two republics beginning at the mouth of a river emptying into the Gulf of Mexico at a time when Texas claimed territorial water extending three leagues into the gulf. No mention was made of a line extending three leagues into the sea between the two republics, and the boundary commission took no notice of such a line.

This is certainly added evidence that the line at the mouth of the Rio Grande extending three leagues into the gulf established by the Treaty of Guadalupe Hidalgo was drawn for other purposes than establishing the extent of territorial waters off the State of Texas and Mexico. The equity and justice pleas seems to have little substance.

Denying any valid claim in equity shall we then grant title to the coastal States in charity? We have in the past given small parcels of the public domain to States. In most cases they were of little value. It is estimated that there are at least 2.5 billion barrels of oil within the off-shore historic boundaries claimed by California, Louisiana, and Florida, alone. Surveys indicate a minimum of 15 million barrels of oil in the Continental Shelf surrounding the United States, plus natural gas valued at $10 billion. At $4.50 per barrel, the value of the petroleum claimed by the three States would come to approximately $11 billion. The value of oil estimated to exist in the Continental Shelf amounts at this price to approximately 67.5 billion. To grant title to such wealth would seem to go somewhat beyond the bounds of ordinary charity. Especially since the Nation as a whole owes a public debt of nearly $300 billion. Of course, not this whole amount would come into the national Treasury, but royalties of 8 to 10 billion would likely be received from oil developments alone.

The Supreme Court has held that the coastal States do not have any legal titled or claim to the lands beneath the marginal sea. Equity and justice clearly do not demand transfer of title to the States, but rather call for restitution to the Federal Government for encroachment and depletion of minerals which the Supreme Court has ruled are owned by the Federal Government. It is difficult to make a case for a charitable grant. In any case the proponents have insisted that they are not asking for charity.

Having lost their case on these three counts, the proponents might still argue that title should be given to them for practical reasons. Would Federal control impede or lessen the development of these resources? Impossible to prove. Development will be under lease to private oil companies in any case. States do not have a very good record of orderly development of depleting resources, or of sound conservation practices. Threat of legal action against coastal States has already been made by other States. Such litigation would prolong and further delay development.

International relations will not be simplified, but complicated. The proponents of this legislation in criticizing the Supreme Court have seized on the phrase "international domain" and contend that it means that beyond the low-water mark the rights of the international community rather than those of the United States prevail. Obviously, this was not the intent of the Court. What was clearly meant was that once the low-water mark is passed the Federal Government holds paramount rights, derived historically from international law and agreement. The Federal Government has never appealed to State claims seaward in settling international disputes in the waters adjacent to the United States.

It should be remembered that the United States proclamation of 1945, whereby we claim title to the edge of the marginal shelf has never been recognized by international agreement, although most other nations have now made similar claims. There is a special problem in the case of Alaska, for example, which has a continental shelf which is also the Continental Shelf of Siberia. Certainly if our Continental Shelf had been invaded or encroached upon before or after 1945 we would not have based our defense of it upon seaward claims of California if the event had occurred off the coast of California, or upon Texas claims, had it occurred in the Gulf.

States do not have a claim which is good in law, in justice, in equity, or in charity. They cannot make an argument for the greater practicality of State development. On the other hand the Federal Government does have a legal claim established in three Supreme Court decisions. In justice and equity the Federal Government has a sound case. It appears that more immediate and orderly development of the Continental Shelf is likely to occur under Federal jurisdiction and control, and that this development can take place without endangering national defense or international relations. For these varied and compelling reasons the quitclaim legislation should be rejected.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from Illinois.

Mr. YATES. Is this not a claim of squatter sovereignty?

Mr. McCARTHY. I do not know what kind of squatter sovereignty a State might exercise in the marginal sea, but I do not think that any good or provisional or conditional title to the lands beneath the marginal sea has been established by the States.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from Texas.

Mr. POAGE. The gentleman has stated that the State Department has said that the United States was not ready to defend any boundaries beyond 3 miles. Will the gentleman reconcile that with the provisions of article V of the Treaty of Guadalupe Hidalgo, which is the treaty which fixed the boundary between the United States and Mexico and which fixes that boundary starting at a point 3 leagues seaward from the mouth of the Rio Grande River?

Mr. McCARTHY. Yes; I will be glad to do so.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. McCARTHY. Mr. Chairman, Mr. Buchanan, in an official note to England August 19, 1848, with regard to this question, stated:

In answer, I have to state that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties can have no just use of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain, or any other power, may possess under the law of nations.

Here is another statement in 1936 from the United States to Mexico:

That portion of article V of the treaty of 1848 which the Mexican Foreign Office quotes relates only to the boundary line at a given point and furnishes no authority for Mexico to claim generally that its territorial waters extend 9 miles from the coast. * * * Presumably it is true as indicated by a note sent this Department to the British Minister of January 22, 1875, that the arrangement thus made between the United States and Mexico with respect to the Gulf of Mexico was designed to prevent smuggling in the particular area covered by the arrangement. * * * To say that because the United States agreed that in one area, so far as the United States was concerned, Mexican territorial waters extended 3 leagues from land, therefore Mexico was entitled to claim such an extent of territorial waters adjacent to her entire coastline, is a deduction which the terms of article V of the treaty of 1848 do not warrant.

Mr. GRAHAM. Mr. Chairman, I yield 8 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, if it was in my power or my understanding of the Constitution and the laws of the country to do something for my brothers from Texas, I would be glad to do it. They started my State; they brought cattle up from the South, and after we were

run down at the heels a while and got in trouble, they started bringing oil machines up there, and they are up there now. If I could bring my mind in line with what they would like to have me do, I would do it. But, as I see the situation, you are asking the Government to give you something the Government does not own. They say Texas came into the Union on an equal footing with other States. Well, she now claims 10½ miles, 3 leagues. That was her boundary when she was a Republic. But, if she came in on an equal footing with the rest of the States, she came in on an equal footing and there was no State and there is no State today that came into this Union with a 3-mile limit. There is no decision of the Supreme Court of the United States today indicating that the Government of the United States owns any of the land from the low-water mark seaward.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. Surely I will yield.

Mr. WILSON of Texas. We, in Texas, appreciate the gentleman's remarks about trying to do something for us.

Mr. BURDICK. I am sure you do.

Mr. WILSON of Texas. The gentleman is a lawyer——

Mr. BURDICK. Yes, and a good one.

Mr. WILSON of Texas. And recognizes, of course, that a specific statement in a contract overrides a general statement; does he not?

Mr. BURDICK. Yes.

Mr. WILSON of Texas. Is that the gentleman's understanding of the general law?

Mr. BURDICK. I will give you an example. Amos and Andy were fighting over a contract, and Amos said, "You are stuck now." Andy says "How so?" Amos said, "This contract sticks you, because in the big letters you are given something but in the little letters it takes it all away."

Mr. WILSON of Texas. The language pertaining to equal footing, which is the last paragraph in this treaty, reads: The general term "equal footing" is superseded, we say, by this specific language:

> Second, said State when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, forts, and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct.

Mr. BURDICK. Mr. Chairman, that is the longest question that was ever asked me.

Mr. WILSON of Texas. Now, does the gentleman think that those specific words in a contract, which you would enter into or which this Congress would enter into with a new State coming into the Union, should override the general term of "equal footing"?

Mr. BURDICK. Well, I would say this, that the Government would have no power to grant one State an advantage over any other State that is already a member of the Union.

Mr. WILSON of Texas. Does the gentleman understand that Texas was a republic?

Mr. BURDICK. Yes.

Mr. WILSON of Texas. It was not a territory bought by the United States; it was an independent republic and made a contract by its Congress and its President with the President and the Congress of the United States.

Mr. BURDICK. It came in as a State; that is, it gave up its rights as a republic and came in as a State.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Illinois.

Mr. YATES. With respect to the question of the unappropriated lands, I hardly think that in the year the joint resolution was passed the term "unappropriated lands" was meant to include the lands underneath the sea.

Mr. WILSON of Texas. It is public lands.

Mr. BURDICK. Let us get this established right here first, then we will argue from that point on. Is there any decision by the Supreme Court of the United States giving the Government title to any land beyond low-water mark?

Mr. WILSON of Texas. Not the Federal Government.

Mr. BURDICK. Then it follows that the Government could not give away something it did not have.

Mr. WILSON of Texas. This is a quitclaim deed as opposed to a warranty. This bill does not give a warranty deed to anything. It says if the Government has any interest in these historic boundaries they quitclaimed them to the States. This is not a general warranty deed.

Mr. BURDICK. I think under the circumstances you would be willing to take any kind of a deed.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Louisiana.

Mr. WILLIS. I think "quitclaim" is used in a technical sense here. What we seek is to have the Federal Government quit claiming our land. It is ours. It was ours in the first place, so the bill says. They should quit claiming it if they do not have any title.

Mr. BURDICK. Has any decision of the Supreme Court ever come to your attention claiming that Massachusetts, Rhode Island, or any other State along the Atlantic seaboard owned any of the land beyond the low-water mark? Has any such decision come to light?

Mr. WILLIS. There is a decision involving the State of Illinois or one of the Great Lakes States recognizing title way out into the Great Lakes up to the boundary between the United States and Canada. The rule was, where did the Supreme Court get that jurisdiction? It quoted prior cases to sustain the proposition that there was no difference between the open sea and the fresh water in the lakes. So I say, yes, there are many, many decisions on that point.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Ohio.

Mr. FEIGHAN. May I bring to the attention of the gentleman from Louisiana [Mr. WILLIS] and others that the case of the Illinois Central Railroad against the State of Illinois was strictly an inland water matter, and it did not pertain at all to submerged land seaward from the low-water mark.

Mr. WILSON of Texas. If the gentleman will yield further, the reason there was no Supreme Court decision on that matter before that time was that until Mr. Ickes nobody ever questioned the States' title to the 3 miles or 10½ miles.

Mr. BURDICK. Nobody ever thought the States owned it, either.

Mr. WILSON of Texas. There are plenty of decisions that held the States did own it, some 52 of them.

Mr. BURDICK. I asked for one case showing that the Government owned the land beyond the low-water mark.

Mr. WILSON of Texas. There are 52 decisions.

Mr. BURDICK. Not one.

Mr. YATES. There is no decision that states that. The 52 decisions relate to the inland waters.

Mr. BURDICK. What I am afraid of is that you are going to get into international trouble giving away land you do not own. When you get out into the Continental Shelf where it extends out 200 miles—I believe that is what you wanted last year, the Continental Shelf—just the moment you start doing business on the Continental Shelf you are getting into international situations.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I am one of those who has always voted for the tidelands bill. I do not know that my State has any vital, immediate interest in the subject so my vote has been based upon what I thought was the rightness of the situation. I agree that the States are entitled to their historic boundaries, extending out 3 miles, and I agree that the State of Texas by reason of the treaty under which it entered the Union is entitled to its 3 leagues. But, I am disturbed about another question which, unless it is answered to my satisfaction, I am afraid will prevent me and a few other Members who have no special interest in this matter, from voting for this bill on its final passage. That is the question of taxation by the States of federally owned property between the 3-mile limit and the end of the Continental Shelf. I cannot see any reason for that. I have great respect and admiration for my friend, the gentleman from Texas, FRANK WILSON, and I listened to his argument. I want to tell him I was not convinced. I do not believe we have any right to say to a State that they can tax the Government on federally owned property. I think that clause ought to come out of this bill, and some of us are going to be placed in a position of not being able to vote for the bill unless it does come out. That troubles me very, very much. I wish it were out of the bill.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. If the gentleman will get me some more time because there are 1 or 2 other things here that I want to discuss.

Mr. GRAHAM. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WILSON of Texas. Did the gentleman hear me read section 189 of the Federal Leasing Act with regard to lands in the Western States, where the Government owns the land?

Mr. SMITH of Virginia. Yes; I listened to the gentleman very carefully and very attentively because I have great respect for his opinion.

Mr. WILSON of Texas.. Does that not have any weight with the gentleman at all?

Mr. SMITH of Virginia. No, I differ with him. I think it is different when the land is in the State itself. This is actually outside the State in the tidelands, and it is outside of the States' traditional boundaries. I do not think we should be permitting the States to tax that which belongs to the Federal Government.

Mr. WILSON of Texas. Does not the gentleman think that this outer Continental Shelf will become part of the public domain of the United States, if this bill passes with title 3 in it?

Mr. SMITH of Virginia. I will answer that. I think it will become part of the public domain as far as our sovereignty will permit us to do so and to hold it, but I do not think that for that reason it becomes part of the public domain of any State that might be adjacent to it. That is where I differ with the gentleman. I differ with him on the ground that what is outside of the 3-mile limit is not in the State and never was in the State, and therefore, that is different from granting rights within the State itself. As my friend the gentleman from Texas knows, I regret very much to differ with him, but I do; and I do not believe I can go along with this bill with that provision in it.

Then there is another provision that I was going to ask the gentleman to explain as to just what it means. That is the provision in section 9 (g) on page 17. The language is as follows:

(g) The provisions of sections 17, 17(b), 28, 30, 30 (a), 30 (b), 32, 36, and 39 of the Mineral Leasing Act to the extent that such provisions are not inconsistent with the terms of this act, are made applicable to lands leased or subject to lease by the Secretary under title III of this act.

The report does not explain what that means. What does it do?

Mr. WILSON of Texas. That only affects the mechanical part of it, the Federal Leasing Act, so as to permit the Department of the Interior or the Secretary to do certain things.

Mr. SMITH of Virginia. It does not give the States any jurisdiction outside of the 3-mile limit, or 3 leagues, as the case may be?

Mr. WILSON of Texas. None whatsoever. It delegates authority to the Secretary of Interior entirely.

Mr. SMITH of Virginia. There is one other question about this bill which I think we ought to take care of. Much to my regret, it looks like Hawaii will soon become a State of the Union. As you all know, it consists of a great many islands scattered all over the Pacific Ocean. I think there should be a provision in this bill that would exclude from its operation any State that may be hereafter admitted to the Union, because I do not know what we are getting into. There are about a thousand miles of stretches of ocean in the Pacific that would come under the provisions of this act, unless you exclude it. It seems to me if you are going to make Hawaii a State, we might leave that out of this bill and work on that a little later, because you will get yourselves involved in all sorts of things if you undertake to make this bill apply to the State of Hawaii.

Mr. WILSON of Texas. I had not up to this time thought about the provisions of this bill applying to any future State. I would not have any objection to putting in such an amendment.

Mr. SMITH of Virginia. It says that any State that came in after the first 13 States.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. CELLER. What about the possibilitiy of Alaska coming into the Union? Would that not be the same?

Mr. SMITH of Virginia. I think so. We do not know what problems will arise in the future. We should deal with the present and not with the future.

Mr. CELLER. We state that the continental survey off the coast of Alaska extends something like 600 miles.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from California.

Mr. HILLINGS. Is it not true that the bill provides that any future State would only be able to exert its sovereignty and ownership up to 3 miles? It is limited to that.

Mr. SMITH of Virginia. That may be, but what is that 3 miles going to consist of when you begin to consider it around a series of coral reefs? I do not see the point of putting Hawaii in here. I think it would be the part of wisdom to leave it out.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. JONAS of Illinois. Would the gentleman be willing to revert again to the question he raised on the right of the States to tax? I am highly in accord with his position. I am not going to support this bill if that provision remains in it. Of course I understand one swallow does not make a summer and so one vote will not determine what will become of this bill, but if that provision remains in this bill I shall not vote for the bill. I think the gentleman is on safe, wise, and solid ground. I think that is one of the serious defects of this bill.

Mr. SMITH of Virginia. I think the gentleman expresses the sentiment of a great many Members in this House who have no particular interest in this bill except to do what is right and fair to both the States and the Federal Government.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. GRAHAM. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. HILLINGS].

Mr. HILLINGS. Mr. Chairman, we have come to the point in the debate where virtually all of the chief arguments on both sides of this important question have been profoundly advanced, and there is probably not much that I can add in the form of new matter, because of the extensive debate we have had so far. I think it might be helpful to the committee at this time if I should endeavor to summarize some of the arguments that have been advanced against the legislation by its opponents, and endeavor to summarize some of the answers to those arguments which have been made previously in the debate.

Of course, there has been the argument used over and over again by the opponents of the measure which says that the Supreme Court has already spoken on this question, and therefore there can be no further action, because final action has already been taken by the Supreme Court as far as the submerged lands in question are concerned.

It has been pointed out in the previous debate that if action should be taken by the House on this subject, it might well be ruled unconstitutional by the Supreme Court, and that is advanced as a reason why the legislation should not be approved. Then it has been said that the Federal Government cannot give away something it does not own. Of course, the phrase "give away" has been constantly used in the debate.

The second argument that has been used quite extensively is that only three States of the Union are involved, and if we approve this legislation, we are going to be benefiting three States at the expense of the other States of the Union.

Then, too, it has been said that the present administration's position on this issue has been confused. One previous speaker in the course of the debate said that the administration was "all fouled up," insofar as its position on this issue was concerned. Then, too, it has been argued that if we disapprove this legislation and accept the questionable position of the Supreme Court on this whole issue that there is no need for any State to fear that its inland waters might not be jeopardized in the future. We are told that there is absolutely no concern there whatsoever so that is given as a reason why there is no particular need for serious consideration of the present legislation.

Then, too, the argument has been very strongly put to the committee that if we should approve this legislation we might seriously harm our national defense program, because if we allow the States and their lessees to deplete the natural resources in the submerged coastal areas that might hurt our national defense program, and that this legislation could possibly result in that effect.

Then, finally, an argument has been advanced perhaps not so much in the debate today as it has been in the press and the discussions outside these Halls in recent weeks, the argument that if we approve this legislation to restore State ownership in the submerged lands it

means that the States of the Union will then begin to claim ownership rights in the so-called public lands within those States.

Mr. Chairman, that is a rather brief and off-the-cuff summary of some of the points which have been raised by the opponents of the bill so far. Now, very briefly, I would like to try to answer some of those arguments by summarizing some of the answers which have already been advanced this afternoon.

Certainly as to the first argument, the fact that the Supreme Court has spoken means that there should be no action by the Congress, the gentleman from Illinois, the distinguished chairman of the Committee on the Judiciary [Mr. REED], has given a most effective answer, a very scholarly discussion not only of this bill but of all the constitutional aspects of the submerged-lands legislation. I think it is worth repeating at this time that the Supreme Court of the United States in its decisions on this question urged legislation by the Congress to meet this particular problem.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield on this particular subject?

Mr. HILLINGS. Not now; I will yield later. The Court said that Congress had the power to restore and confirm State ownership of the submerged lands. I want to quote specifically its decision in the California case. The Court said this:

> Article IV, section 3, clause 2 of the Constitution vests in the Congress power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. We have said that the constitutional power of Congress in this respect is without limitation. (*United States* v. *San Francisco* (310 U. S. 16).) Thus neither the courts nor the executive agencies may proceed contrary to an act of Congress in this congressional area of national power.

Certainly that is an effective answer to the argument that Congress cannot act.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. HILLINGS. Not at this point.

Mr. FEIGHAN. I think the gentleman is getting an incorrect interpretation of what that law means.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILLINGS. I decline to yield at this time. I will try to yield later.

It has been pointed out earlier by the gentleman from Illinois [Mr. REED] that for over a hundred years the decisions of the Court have consistently maintained that the States had the rights of ownership in the submerged lands adjoining the coast. It has been pointed out, too, that those decisions were recognized by the Federal Government, even by the Secretary of the Interior, Mr. Ickes, until the magic discovery of oil brought about a change in the attitude of the Federal Government. This change resulted in the desire of certain people in Washington to use Federal power to take away from the States the submerged lands they had, to put the rich resources in those lands under the Federal Government's control and ownership.

The argument has been made that the United States has no title to that land and therefore it cannot quitclaim it to the States. I would like to quote again from another Supreme Court decision, the case of *Cunard S. S. Co.* v. *Mellon* (262 U. S. 122), in which decision the Court said:

> It is now settled in the United States and recognized elsewhere that the territory subject to its jurisdiction includes the land areas under its dominion and control, the ports, harbors, bays, and other enclosed arms of the sea along its coast and a marginal belt of the sea extending from the coastline outward a marine league, or 3 geographic miles.

The Court in this case used the word "territory." It did not say that the United States Government actually owned the lands, but certainly it used the word "territory." If we refer back to article IV of the Constitution of the United States where the word "territory" is again used we will be given a clear understanding of what "territory" actually means because article IV of the Constitution says that the Congress shall have the power to dispose of or to make rules and regulations respecting territory or other property belonging to the United States. So, even if we concede, which I do not say we necessarily do, but even if we concede, the fact that the Supreme Court did not say the Federal Government had ownership in the submerged land, that would not prevent the Federal Government from quitclaiming or giving up title to the land. By its previous decision, the Supreme Court said that territory of the Federal Government includes all land under its jurisdiction and control.

Then there is the argument that only three States would benefit. It has been pointed out previously that actually there are many more than three States which make up the coastal area of the United States. It has been pointed out, too, that under this legislation nine-tenths of the submerged lands in question would go to the United States Government and one-tenth of the area in question would actually go to the various States. The Federal Government would have something like 237,000 miles, which would include the actual resources therein, and the States would only have something like 26,000 miles—that is, the individual States making up the coastal areas. Of course, when we think of the inland areas, when we think of the Great Lakes, the fisheries in Maine, in Florida, and all of the other areas of this country where we have inland waters certainly every single State of the Union is interested in and is directly concerned with this important legislation.

Then there is the basic question of the sovereignty of the States involved in this entire legislation; so, certainly, all 48 States are directly concerned.

There has also been the argument that the administration's position has been confused on this question. Earlier in the debate I pointed out the President's position. His position has been very strong; it has been repeated several times in the last few weeks at press conferences and elsewhere. I do not think that the administration is confused at all. It was an important plank in the President's campaign that the States would have returned to them title to all submerged lands and resources beneath inland and offshore waters which lie within historic State boundaries.

President Eisenhower in his own words made that very clear, and I would like to quote from a speech he made on the subject. These are President Eisenhower's words in New Orleans on October 13, 1952:

> The attack on the tidelands is only a part of the effort of the administration to amass more power and local responsibility.
>
> So, let me be clear in my position on the tidelands and all submerged lands and resources beneath inland and offshore waters which lie within historic State boundaries. As I have said before, my views are in line with my party's platform. I favor the recognition of clear legal title to these lands in each of the 48 States.
>
> This has been my position since 1948, long before I was persuaded to go into politics.

I do not think there is any question about the President's position. But regardless of the President's position, regardless of the political situation, there has probably been no piece of major legislation before the Congress for a long while which has been so bipartisan in nature. The attorneys general and the Governors of the overwhelming majority States of the Union, both Democratic and Republican, have backed this legislation consistently. The record is clear on the subject and the statements made in the hearings will bear that out. It is bipartisan legislation if ever we had bipartisan legislation.

Now, considerable has been said about the inland States if we allow the Federal Government to assert ownership and control over submerged coastal lands. That argument, of course, does not stand up. It has been used time and time again by people in the Federal Government just before they have gone ahead and attempted to assert ownership and control. For example, in the 1948 campaign Mr. Truman, as a candidate for President, and the Attorney General of that day, Tom Clark, told the people of Texas that they had nothing to fear despite the California decision if Mr. Truman and his administration were returned to office. Yet in December of 1948, a month after the election returns were in, the Federal Government began the cases against Louisiana and Texas despite the previous position it took in which it said: "You have nothing to fear in Texas and Louisiana."

Remember too that in the celebrated Fallbrook case the Federal Government used the paramount rights theory to assert rights of ownership in an inland stream in California. And the opponents of this bill say that there are no threats being made to our inland waters.

So, I do not think we can take that chance, because the previous record shows that the Federal Government has on other occasions gone ahead to assert claim of ownership against various States, despite what it said earlier. In February 1952 a Federal attack was made on the submerged lands off the coast of the State of Washington, and there is no indication that such a situation might not be repeated in the future.

Then there is the argument that State ownership of the submerged lands within the historical boundaries would harm the national defense program. That simply is not true. During the last war, World

War II, the States developed their natural resources, oil and other resources, and I never heard anyone criticize that operation by the States. I never heard anyone say that because the States developed those resources, our defense effort was harmed in any way. Certainly, the States have a right to develop them, and if they do, it means that we will eliminate much of the red tape that goes on when Federal bureaucracy takes control.

Then the final argument that has been advanced, if the legislation is approved, the States will then want to assert ownership and control over the public lands in the various States. I think there is a very definite distinction between submerged lands which are under consideration in this legislation and the so-called public lands. In the case of the submerged lands we are in this legislation restoring State ownership, ownership which had been in the States for over 100 years until the Supreme Court decision of 1947. This legislation would restore ownership which had heretofore been recognized. In the case of public lands it had never been recognized that there was any State ownership in those lands, and I am certain any claim any State might have of ownership to any public lands could not stand up on the basis of this legislation, and certainly this legislation would not give any precedent for such a claim.

Those are some of the answers to the questions raised, Mr. Chairman. This legislation means a great deal to my State of California and a great deal to all of the States. The revenue would mean more parks, harbors, playgrounds, schools, and improved beaches for all the people. It would benefit, of course, the people in all the States, but the important question, of course, is that this legislation will reaffirm and strengthen our republican form of government, the form of government that recognizes authority and sovereignty in the States themselves. I recall not long ago listening to an address by Dean Manion of Notre Dame University in which he pointed out why this country had prevented Federal dictatorship because of our system of sovereignty in the individual States. That is the great question before us. The rights of our States would be strengthened by the passage of this legislation.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I think, in the first instance, we should face the fact that the Supreme Court is the Court of last resort of our Government, and when they make their decision that is the law of the land. As President Eisenhower said, he will obey the Supreme Court.

The Supreme Court very definitely and clearly in the California, the Texas and the Louisiana cases has settled this question. The exact wording in the California case, in the decree, is as follows:

> The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Kentucky.

Mr. PERKINS. May I ask the gentleman whether or not a similar decree was entered in the Texas and Louisiana cases?

Mr. FEIGHAN. Yes. The Supreme Court said that the United States has paramount rights and full dominion of the lands in the belt. Now, the Supreme Court having said that the Federal Government has paramount rights, dominion, and power over the submerged lands, and that the States have no title or interest therein, we are asked to appropriate to these various States off whose shores mineral deposits may be found in submerged lands that which the Supreme Court said does not belong to those States and does belong to the Federal Government.

You talk about a giveaway. If this bill passes it will give to those various States adjoining whose shores there are submerged lands running seaward from the lower-water mark, all right, title, and interest in these submerged lands, and we are to do that without getting any consideration therefor.

It seems very plain to me that since the Supreme Court says that the States have no title or interest in the submerged lands, and we turn these submerged lands over to the States without any consideration, it certainly is giving them away to the States.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from California.

Mr. HOSMER. Is not the creation of title in an area where there is no previous title, as the gentleman says the submerged lands area is, an exercise of the power of sovereignty? In other words, had not the British sovereign exercised his inchoate internal and external sovereignty by a positive act, there would never have been created private title within the British Empire nor within the colonies nor within the United States of America. Therefore, in this act by this Congress we are not giving away any title, we are not vesting any title, we are merely acting within the power of our sovereignty to establish a title where none existed before.

Mr. FEIGHAN. I disagree with that line of logic, if there is any in it. Because the land here involved is under the ocean, the high seas of the world, title and rights there depend on international law and not merely on the law of the adjacent sovereign country. Every nation as a sovereign has the right, which has been established in international law, to control submerged lands 3 miles from the low-water mark. That is the so-called 3-mile international belt. There has never been any question since 1793 that the United States has adhered to the recognition of that 3-mile belt.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Minnesota.

Mr. McCARTHY. I believe the gentleman should point out that the only declaration of title here was by proclamation of 1945 by President Truman, who asserted the claim of the United States to the entire Continental Shelf.

Mr. FEIGHAN. In the President's Continental Shelf proclamation of 1945 which related to the sea bed and subsoil under the high seas beyond the marginal belt, the President was careful not to assert title, but merely jurisdiction and control. This area is clearly outside of territorial waters and thus in a domain where international considerations prevail.

As to even the 3-mile belt, the paramount rights of the United States are predicated on its position as a member of the family of nations, as Justice Black said in the California case:

> The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner.

In other words, the United States has an interest there that is even more inclusive than mere legal title. In the Texas decision the Supreme Court defined dominium and imperium. Dominium they defined as ownership or proprietary rights and imperium they defined as governmental powers of regulation and control. In the Texas case, they said those two powers—imperium and dominium coalesced and here are the exact words:

> And so although diminium and imperium are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

We can be very definite and certain in the fact that the Supreme Court has stated the States do not own or have any title thereto or property interest in these submerged lands. Now Congress is asked by the terms of this bill to give away to the States these submerged lands which the Supreme Court, on three occasions, stated that the States had no title thereto or property interest therein.

We are asked to give them away in two ways, to give a quitclaim deed and if that does not work to delegate to the States authority to take these mineral deposits from the submerged lands.

It should be very patently clear that the Supreme Court decisions did not consider any inland waters, bays, lakes, or rivers. They considered only the submerged lands seaward from the low-water mark. Let us not be confused about inland waters. The Supreme Court on 52 different occasions has confirmed in the States all rights and privileges and title to inland waters, rivers, and bays. The Supreme Court held that the Federal Government in owning these submerged lands of the marginal sea owned them as trustee for the whole 48 States. The theory of that was set out in the United States Supreme Court case of Illinois Central Railroad against Illinois. Only in that case it involved

inland waters. That was the situation where the State Legislature of Illinois had granted by legislation to the Illinois Central Railroad the whole Chicago lakefront. The Supreme Court held that the State of Illinois owned the bed of Lake Michigan in trust for the people of the State of Illinois and that the State of Illinois could not give it away or appropriate it to any private interest or corporation. By the same token, the Supreme Court has held that the Federal Government owns these submerged lands of the marginal sea as an attribute or incident of its national external sovereignty. If this is an inseparable incident of national sovereignty, then there is a grave doubt as to whether Congress can pass this bill.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

I note that the gentleman is calling attention to the Illinois Central Railroad case, which is reported in volume 146 of the United States Supreme Court Reports. In that case, the Court said that because the Great Lakes partook of the nature of the open seas, the same rule of ownership applied to them that had been followed by the Court with reference to the ownership of lands "under tidewaters on the borders of the seas."

Mr. FEIGHAN. That is absolutely correct because tidewater means the land over which the tide ebbs and flows.

Mr. JONAS of Illinois. The gentleman is right.

Mr. FEIGHAN. So that is just another confirmation of the fact that the State owns tidelands and land underlying inland waters.

Mr. JONAS of Illinois. That does not support the distinction that my good friend, the gentleman from Ohio, is making, I am afraid, because the gentleman is standing on the ground that we are taking in the former decisions in the Supreme Court of boundaries that had to do with inland bays and waters.

Mr. FEIGHAN. I said the Supreme Court decisions in the marginal sea cases had nothing to do with that. They were specifically excluded from the decision and from the decree.

Mr. JONAS of Illinois. I have not examined the files minutely. I am going by the language of the decision as laid down by the Supreme Court. In that decision the Court took the position that the Greak Lakes were no different, when it came to the matter of marginal lands and the 3-mile boundary line, than the tidelands that were affected by the tides on the seas.

Mr. FEIGHAN. In the Illinois Central case, the Court gave no consideration whatever to the marginal sea or to land underlying the open ocean. It related the ownership of land underlying the waters of the Great Lakes to the rule of ownership which applies to tidelands along the shore of the sea.

Mr. JONAS of Illinois. I am told there was a special master appointed to look into this matter, so we probably do not agree.

Mr. FEIGHAN. Yes. That is out in California. That is to determine the question of what is inland waters and what are waters seaward from the low-water mark.

Mr. JONAS of Illinois. And that becomes a question of fact. But if the gentleman will bear with me 1 minute, I understood the gentleman to take the position this morning, in one of his questions, that regardless of what the Congress does there is no inherent power to disturb a decision of the Supreme Court, because the Court has said that the title is paramount. Regardless of what the Supreme Court does, the Congress cannot disturb any mandate of the Supreme Court?

Mr. FEIGHAN. No.

Mr. JONAS of Illinois. That is not your position?

Mr. FEIGHAN. My position is that in view of the language of the Supreme Court, saying that the Federal Government has this dominion and power by virtue of its external sovereignty—it is quite possible that the United States Congress cannot, under article IV, give it away or appropriate it, by the same token that the State Legislature of Illinois could not give away the bed along Lake Michigan, because it held it in trust for the people of Illinois. By the same reasoning, these submerged lands seaward of the low-water mark are held in trust by the Federal Government for all the people.

Mr. JONAS of Illinois. I get the gentleman's point. It is somewhat conjectural. But the gentleman says the Congress could not disturb what the Supreme Court has ruled?

Mr. FEIGHAN. I am raising that constitutional question.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Illinois.

Mr. YATES. It is entirely possible, on reading those decisions, that we cannot act in this case under the strict interpretation of the Constitution, because of the use by the Supreme Court of the term, "Imperium and dominium."

Mr. JONAS of Illinois. Will the gentleman yield again?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. I yield the gentleman 2 additional minutes.

Mr. GRAHAM. I yield the gentleman 2 additional minutes.

Mr. JONAS of Illinois. Do I understand the gentleman to say in his question that the Congress of the United States cannot disturb a law or decree or edict that has been entered by the United States Supreme Court? In other words, they say, "we are paramount or supreme," and that fixes the basis upon which we can legislate?

Mr. YATES. Has the gentleman ever heard of the necessity of a constitutional amendment? The Court might hold this unconstitutional.

Mr. JONAS of Illinois. One guess is as good as another.

Mr. FEIGHAN. May I just bring this to your attention: If the Supreme Court should decide—which they have not—that the ownership of the Federal Government in these submerged lands was merely a proprietary right, just as the Federal Government owns a chattel, then very definitely the Congress can, under article IV, dispose of it, appropriate it, or do what they wish. But I raise the constitutional question. If all we are dealing with is a mere fee-simple title, there is no question that the Congress can dispose of it without consideration. If, on the other hand, the United States holds its interest in the bed of the marginal seas, as an attribute of national sovereignty, it is subject to the argument that it is an inseparable attribute of national sovereignty. If this is so, I believe that the Supreme Court would hold that it is unconstitutional for Congress to give it away.

Mr. JONAS of Illinois. I think that the McGuire bill, which we passed in the last session to cure some of the shortcomings in previous legislation which the Supreme Court had pointed out was missing, is analogous to the situation here. I do not hold that the Supreme Court can by transposing words from their text create a situation where it takes from the Congress of the United States the power ever to legislate to cure or modify such a situation; I do not agree with that.

Mr. FEIGHAN. Under the tripartite system of government, the Supreme Court is that branch of the Government vested with the power to interpret our laws.

Preceding speakers stated that the Supreme Court looked to Congress for action. That is correct. What the Court was talking about was action by Congress to recognize the equities of those who have made investments in the development of the marginal seas in the past, under a mistaken assumption as to who owned the land. It was also contemplated that Congress would authorize the future development of the oil and gas deposits in these lands.

For the purposes of national security we need oil. Everyone will agree with that and under the Federal Leasing Act or under any other Federal statute there is no authority given by Congress to anyone to draw oil out of these submerged lands.

It is within the power of Congress to determine how those mineral deposits are to be withdrawn from the submerged lands.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield.

Mr. RODINO. Mr. Chairman, will the if the gentleman is not right in his concern as to the constitutionality of this issue here, for if I interpret the testimony of the Attorney General in the hearings before the Judiciary Committee he himself stated on page 220 of the hearings that instead of granting a blanket quitclaim title to the lands it would be better to grant all the rights that they need to develop the natural resources. He himself recognized the fact that a grave constitutional issue is involved here and, therefore, does not see the urgency of granting a blanket quitclaim title. I would like to point out further that one of the former Members whom we all loved here, the late Samuel Hobbs, a Representative from Alabama, who was a student of constitutional law and a scholar on this issue——

Mr. FEIGHAN. Exactly, but if the gentleman is going to read that I wish he would do it in his own time.

Mr. RODINO. All right.

Mr. FEIGHAN. I agree with the gentleman that the Attorney General's statement before the committee reflects a genuine apprehension as to the constitutionality of a proposal such as that contained in this bill.

With reference to the police power I think we should understand that these States do have police power, regulatory powers, out to the 3-mile limit, but in none of the Supreme Court decisions has that police power ever been interpreted as the State owning any portion of the submerged lands. In other words, a State can give a license to people to go out and fish but they do not have to own the submerged land over which that fishing is conducted.

I have introduced House Joint Resolution 126, which would provide that the Federal Government will manage and control the drilling of oil within the 3-mile limit. Thirty-seven and one-half percent of the royalties shall go to the State off whose shores these submerged lands lie, the remaining 62½ percent to be held in a special fund in the Treasury to be used during the present national emergency for such developments essential to the national defense as Congress may determine. After the national emergency is passed such money is to be used exclusively as grants-in-aid of primary, secondary, and higher education.

I have prepared a section by section analysis of my resolution, House Joint Resolution 126, which I shall offer as a substitute to H. R. 1498. My analysis follows:

1. The whereas clauses are concerned primarily (1) with the increased need throughout the Nation for expanded school facilities of all types, (2) with the concept that public lands should be dedicated to creating an educated citizenry, (3) with the fact that leases on submerged lands of the Continental Shelf have already been issued by certain coastal States under claim of ownership, (4) with the holding of the Supreme Court that the United States has paramount rights in, and full dominion over the submerged lands of the Continental Shelf, and (5) with the present need, in view of the national emergency, to continue without interruption the development of the oil and gas deposits in the submerged land of the Continental Shelf.

2. The first section provides that all money received under the resolution except the 37½ percent paid the States as provided in section 8, shall be held in a special fund in the Treasury to be used during the present national emergency for such developments essential to the national defense and security as Congress may determine. After the national emergency is past, such money is to be used exclusively as grants-in-aid of primary, secondary, and higher education.

3. The second section creates a National Advisory Council to be composed of persons experienced in the fields of education and public administration, and requires such Council to submit by February 1, 1955, a plan for the fair allocation of these grants-in-aid of education.

4. The third section provides that every State or political subdivision or grantee thereof which has issued any mineral leases covering submerged lands on the Continental Shelf must file with the Attorney General before December 31, 1953, a statement of all moneys or other things of value received since January 1, 1940, from or on account of such grant or lease. The Attorney General shall submit all such statements to Congress not later than February 1, 1954.

The purpose of this section is to furnish to Congress a background of information on the previous experience of the States with these leases.

5. Section 4 provides in effect that certain good-faith leases issued by the States to private operators are accorded Federal recognition provided they meet certain standards which are set forth in detail. Several of the conditions are that all royalties and other payments shall be made to the Secretary of the Interior, that all such leases require a minimum 12½-percent royalty, and that there must be a 5-year time limit on the lease.

Subsection (b) provides that the holder of a lease who meets the conditions may continue to maintain such lease and conduct operations under it in accordance with its provisions, and further provides that only after notice and hearing can such a leaseholder be deprived of this right.

Subsection (c) provides that the Secretary shall exercise all the control vested in the previous lessor by law or provision of lease.

Subsection (d) provides that permission granted to maintain a lease is not a waiver of any claim of the United States against the lessor or lessee which arose prior to the effective date of the resolution.

6. Section 5 provides that the Secretary of the Interior may after receiving the approval of the Attorney General disclaim all interests of the United States in tidelands or submerged lands beneath navigable inland waters except those tidelands or submerged lands beneath inland waters which belong to or are held in trust by the United States.

The purpose of this section is to point up that the United States does not claim any interest in the true tidelands or the land under inland navigable waters.

7. Section 6 provides that if there is a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary of the Interior with the concurrence of the Attorney General has power to negotiate agreements with the State and other interested parties respecting operations under existing leases, (including payment of any moneys) and the issuance of new leases pending the settlement of the controversy. It also provides that payments made under any such agreement are made in compliance with the provisions of paragraph (4) of subsection (a) of section 4. It furthere provides that if the lands in controversy are determined to be submerged lands of the Continental Shelf (with paramount rights therefor in the United States), all of the provisions of section 4 must be complied with in order that leases on such land be valid.

8. Section 7 provides for the granting on the basis of competitive bidding of new mineral leases by the Secretary of the Interior on submerged lands of the Continental Shelf not already covered by valid leases. The States do not participate in the granting of these leases. Such a lease may cover an area of whatever size the Secretary may determine, shall be for 5 years and as long thereafter as oil and gas may be produced therefrom, shall require the payment of a royalty of at least 12½ percent and shall contain such other provisions as the Secretary may have prescribed. All moneys paid under such leases shall be disposed of as provided in the first section of the resolution.

Subsection (d) provides that the issuance of a lease for submerged land or the refusal to certify the United States does not claim any interest in submerged land shall not prejudice the ultimate settlement of the question of whether such land lies beneath navigable inland waters.

9. Section 8 provides that 37½ percent of all moneys received with respect to operations under leases of any type in submerged coastal lands shall be paid within 90 days after the end of each fiscal year by the Secretary of the Treasury to the State within whose seaward boundary such submerged lands lie. The seaward boundary is defined as a line 3 miles distant from the points at which the paramount rights of the Federal Government in the submerged lands begin. The moneys received pursuant to any agreement pending the settlement of a controversy over the status of submerged lands are excepted from the provisions of this section.

If the United States takes and receives in kind any royalty, the value of such royalty shall be deemed to be the prevailing market price of such royalty at the time and place of production, and 37½ percent of such value shall be paid to the State entitled thereto. This means that if the United States accepts oil instead of money, 37½ percent of the market value of such oil is to be paid to the State which is entitled to it.

10. Section 9 provides for the issuance by the Secretary of whatever regulations he deems advisable to carry out this resolution.

11. Section 10 provides for the withdrawal by the President of any of the unleased submerged lands in the interests of national security whenever he may deem it necessary. The United States is granted the right of first refusal to all oil and gas produced from such lands in time of war or when the President shall so prescribe. It further provides that all leases issued or authorized under the resolution shall contain provisions for suspension or termination of these leases in the event of war and for the payment of just compensation to the lessee in question.

12. Section 11 provides that any rights acquired under the laws of the United States in lands covered by this resolution shall not be affected by reason of the passage of this resolution, but shall be governed by the laws of the United States in effect at the time such rights have been acquired. The determination, however, of the applicability or effect of the laws under which such rights were acquired shall not be affected by anything contained in this resolution.

13. Section 12 is a definition section. It defines the term "submerged lands of the Continental Shelf" as lands under the sea, outside the low-water mark on the coast of the United States, outside the inland waters, and seaward to the outer edge of the Continental Shelf.

The term "seaward boundary of a State" means a line 3 miles distant from the low-water mark of the tides.

The term "mineral lease" means any form of authorization for the exploration, development, or production of oil, gas, or other minerals.

The term "tidelands" means lands regularly covered and uncovered by the ebb and flow of the tides.

The term "Secretary" means the Secretary of the Interior.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. RADWAN].

Mr. RADWAN. Mr. Chairman, I am satisfied that the legislation now before us and in its present form is illegal, so that whatever we do here in the House of Representatives will be purely abortive. I am satisfied that the Supreme Court, whatever its makeup may be in the future, will decide that the legislation in its present form is unconstitutional. So I am going to let the Supreme Court be the final judge.

I am also opposed to legislation of this kind in any form. To me it just does not make sense, unless, of course, I lived in the State of Texas, the State of Louisiana, or the State of California. We have a national debt at the present time that is in the vicinity of $260 billion. I cannot understand the wisdom of giving away any assets that the Federal Gov-

ernment now has when we have a national debt of $260 billion. What banker in your community would be willing to lend money to a businessman who divested himself of assets without any consideration in return when the particular assets involved would approach the debt against his business? Such transfer of assets without consideration in return would be considered an "act of bankruptcy." I do not think that I was elected a Member of Congress, a Federal trustee, to give away something that belongs to all the people, especially after adjudication by the Supreme Court, which decided that these oil and mineral resources belong to all people of the 48 States.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. RADWAN. I yield for a question.

Mr. BROOKS of Louisiana. I look at this matter a little differently than the gentleman in two respects. I do not measure the value of the assets so much. I measure it in terms of what is right and wrong. I think the value of these assets have been terribly overrated. I made up my mind some time ago that the actual intrinsic value was terrifically inflated, that it was nothing like we hear over the radio and read in the press. But regardless of that, I make up my mind on the premise of whether it is right or wrong, then I do not worry. If the gentleman feels it is absolutely and palpably illegal for us to act, then the gentleman has nothing to worry about. If we are right I am going to do my duty and the gentleman is, too, I am sure, but the gentleman takes the position that the Supreme Court is going to knock this bill out. If so, why not let it go through and permit the Supreme Court to take care of the matter?

Mr. RADWAN. I stated at the opening of my remarks that the legislation now before us will be declared unconstitutional by the Supreme Court if we enact this bill into law. I also stated that I will oppose this give-away legislation in any form.

Mr. BROOKS of Louisiana. Does not the gentleman feels that the value of the assets has been terrifically overrated?

Mr. RADWAN. I do not. I do not think the public has been sufficiently awakened as to the tremendous value involved. We are not dealing with peanuts here; we are dealing with a great and valuable Federal asset.

Mr. BROOKS of Louisiana. We are dealing with unknown conditions, too. We have no way of knowing what there is underneath the sea.

Mr. RADWAN. The gentleman is absolutely correct that we are dealing with some unknown conditions in the present case and I am not going to take a chance on giving away anything that might approach the value of our national debt. I am not taking any chance on that with my vote.

I would also like to make clear at this time that what I have to say is directed only to a piece of legislation which is before us, as well as to similar legislation which may come before the Congress. I have no reference to any personalities which may be involved.

Let us see just how much of a giveaway it is. The property now belongs to the Federal Government. I do not say so but the "law" has said so. What is the "law" in this case? It is the Constitution of the United States as interpreted by decisions of the Supreme Court.

Now comes an attempt to erase an adjudication of the Supreme Court. Both sides have had their day in Court. The losing side in the decision does not like it. It lost its case and now with might seeks to reverse right.

My party, the Republican Party, has always championed sound policies of conservation, especially so since the Republican administration of President Theodore Roosevelt. As a matter of fact, President Eisenhower, in his State of the Union message, cited the Teddy Roosevelt policies on conservation as a model to follow. Also, in his message, President Eisenhower acknowledged that it was President Theodore Roosevelt who had "awakened the Nation to the problem of conservation." As both an American and a Republican, I intend to stay awake. President Eisenhower goes on to say, "This calls for a strong Federal program in the field of resources development."

If ever in our history it has been important to exercise judicious wisdom with respect to our nationally owned natural resources, that time is now.

This refers with particular force to oil. Oil is one of the most strategic substances in the political economy of our times. Large quantities of oil are needed for the military and economic build-up of the free world. In the event of all-out war, oil could spell the difference between victory and defeat. Oil may be essential for our survival.

These considerations make the world distribution of known oil deposits a key factor in our national as well as our international planning. The most important of these deposits are in the United States and the Caribbean-Gulf of Mexico area, the Persian Gulf, and around the Black and Caspian Seas.

If the Middle East oil were cut off from our allies tomorrow, we could not now fill the gap without crippling our own economy. Therefore, it is imperative that we have emergency oil reserves quickly expandable into actual production.

There has been some attempt here to quote President Eisenhower on his position with respect to the tidelands since he has been inaugurated President. But I also know that at one of his press conferences, the President said he was opposed to the dropping of any revenue until there was other revenue to replace it. If this is the case, I am wondering what is to replace the millions of dollars the Federal Government is now receiving if this revenue goes to the coastal States. Estimates of what this oil and other submerged resources are worth range from $40 billion to $250 billion, almost the size of our national debt. Why then should we not use this money for the purpose of making some payment on our national debt? Such allocation of the royalties from these resources could well get us off to a good start in establishing a debt retirement program. Or, perhaps wisdom might dictate that this source of revenue should go into the Federal Treasury for general purposes of government. But it should not be given away for nothing.

I do not think that the great architects of our Constitution ever intended that the provision, vesting in Congress the right to dispose of property, gives us the right to "give away" without consideration in return.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, I did not intend to speak upon this issue. As a matter of fact, I have only returned from a week end down in Georgia. However, there are certain issues that are raised here on the floor today that impel me to make some observations.

First, I want to say to this Committee that in my personal opinion this is the best bill that has been brought out for action before this House. I am in accord with the general policy in this bill, and I expect to support this bill. I do want to compliment the gentleman from Virginia [Mr. SMITH] on his timely observation. I think the gentleman is correct, and if he introduces that amendment I expect to support that amendment.

Here are some of the things I want to talk to you about. I just simply cannot go along with the argument here that the Supreme Court is inviolate. Now, my friends, if that is true, the thing that we should do, we just ought to resign and go on home. I do not agree that the Supreme Court is inviolate. As a matter of fact, I have disagreed with that Court many times, and I am going to be up here in the well and I am going to ask you to help me disagree with them. As a matter of fact, if it is disrespect to disagree with that Court I do not know of any one who disagrees more than that Court does with itself, because they hold one thing today and another thing tomorrow. I say that they have stricken down, by decision after decision, firmly entrenched principles in our jurisprudence, and they have not even grounded their change of sentiment by giving us any reasons therefor. I am in good company, too, with the position I take. Two committees of this House and two committees of the Senate, by the overwhelming votes by the Senate and the House on two occasions, have approved that the historical boundaries belong to the respective States. Now, in addition to that, the American Bar Association, a very respectable organization in my book, says that they have no right to take this property without just compensation. I seem to recall something in the Constitution of the United States that says that. In addition, as I understand, the Attorneys General Association and every attorney general has said that we are on solid grounds. Now, talking about overruling this Supreme Court: In the Texas case 4 said no to Texas and 3 said yes to Texas. Well, I am not willing for 1 man to say to Texas that you cannot come to Congress.

Now, another thing in this issue. When it was passed in the House and

Senate last year, just one man, Mr. Truman, said "No," but you know I am going to fall back on an old argument now that I have heard many times, getting down to brass tacks. I was just wondering about the gentleman from Ohio saying that we have got to stand on what the Supreme Court says. As I remember it, we had a War Between the States because they did not accept a Supreme Court decision.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Does not the gentleman agree with me that what the Supreme Court decides is the law of the land? They said that the States have no title or interest in the submerged lands and yet Congress is trying to give it away.

Mr. FORRESTER. I think they were talking about paramount rights and I do not like that because I do not know what it means; I do not know what paramount rights and inherent rights mean. I have never been able to find them in my law book.

Some of them have charged us with waste. No one can by my vote show that I was wasteful. But I will tell you this: The historical boundaries down there in Georgia belong to Georgia, and I am not going to settle for any 15 percent of the education, or anything else. I will never be satisfied with less than 100 percent. There is no oil down there, but if they are going to take the oil we do not have they are going to take the little fish and the little shrimp and the oysters and the clams and the crabs we do have.

Last year on the other floor when there was a representative of the Justice Department present I said to him, "I want to ask you a question as one lawyer to another. You will concede there is no such thing as proscribing against a State or a Government?" He said, "Yes, sir." I said, "All right. If that be true, is it not true as a matter of law that lands that have been filled in, where people have bought lots and subdivisions and built homes, and given mortgages of their own, and so forth, thinking they had title, would not that land belong to the Government under your contention?" All he would ever say was, "We never would contend for that."

I said to him, "I am not asking what you would contend for, because I don't know what your successor would contend for, but I am asking you just to answer that question as a matter of law." He did not answer it.

Talking about waste, our Government is the worst waster I ever heard of.

Another thing, I remember about Teapot Dome. I want to compliment our Republican brethren and the President of the United States. Maybe he does not want a repetition of something like that.

But I will tell you this: The historical limits belong to Georgia, and I do not want to give them away. You other States, if you do not want to give yours away, I can understand your viewpoint, and I am with you gentlemen every step of the way.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Ohio.

Mr. FEIGHAN. I think it might be very pertinent to bring to the attention of my distinguished friend from Georgia that in the Supreme Court decision, which he seems not to understand, by his own admission——

Mr. FORRESTER. I do not think they do.

Mr. FEIGHAN. Those decisions did not have a single thing to do with any inland waters or the property or real estate of any State, Georgia or any other, that is, any property that lies inward from the low-water mark.

Mr. FORRESTER. The great trouble in Florida, in California, and so forth, is that they have filled in the sea and sold subdivisions, there are homes down there by the thousands, and people have titles and mortgages have been taken, operating on the idea that they have title. I say they are in jeopardy because there can be no proscription against the United States Government.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield.

Mr. WILSON of Texas. We never heard of any claim by the Federal Government with regard to these historical boundaries until 1935 or 1936, did we?

Mr. FORRESTER. That is right.

Mr. WILSON of Texas. They could always lay claim to the inland waters, the beds of the rivers or lakes, or anything else, could they not?

Mr. FORRESTER. Absolutely. That is what we are trying to stop right now.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. When we did first hear the claim the United States might make to these marginal seas, everybody took it very lightly. It has taken a decade and a half to build up an organized propaganda, with all kinds of misinformation, and abuse, too, to build up this case to where they could respectably go before the country and say that the Federal Government owns the land down there that the States have been owning and controlling and handling for 150 years.

Mr. FORRESTER. Yes. It is against every theory.

Mr. BROOKS of Louisiana. When it first came up hardly a lawyer in the country would come forward and defend that claim, because there is no force and no logic and no support to it.

Mr. FORRESTER. There are not many lawyers now that will defend it.

Mr. GRAHAM. Mr. Chairman, I understand we have 34 minutes left, and at the moment there are no requests for time on this side.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. RODINO] such time as he cares to use.

Mr. RODINO. Mr. Chairman, as a culmination of three decisions of the Supreme Court involving oil under submerged seaward lands bordering California, Texas, and Louisiana there is a concerted effort by those States, and by other States fearful of possible exclusion from a future opportunity to obtain control of natural resources, to obtain a quitclaim or transfer these oil resources. If this effort succeeds, it merely will be the opening wedge to a drive to accomplish the same type of transfer of all public lands, mineral resources, national forests, land-grant railroad rights-of-way, and other reserves of the Federal Government. These tremendous reserves and resources are found largely in 11 Western States where, it is admitted, they create serious problems of tax revenues and apportionment of responsibility between the Federal and respective State governments. Percentagewise, the Federal holdings of the total land areas in these 11 States are said to be as follows: Arizona, 73 percent; California, 46 percent; Colorado, 38 percent; Idaho, 64 percent; Montana, 35 percent; Nevada, 87 percent; New Mexico, 44 percent; Oregon, 53 percent; Utah, 72 percent; Washington, 35 percent; and Wyoming, 51 percent. As indicated earlier, the vast majority of the reserved lands exist in the Western States, whereas lands in the States admitted earlier are practically all privately owned and subject to taxation. It is this inequality, of course, which excites much of the criticism in the West.

The history of the public-land problem reveals that it was a focal point of dissension prior to the adoption of the Constitution in 1789. Six of the Original Thirteen Colonies had charters purporting to make the Pacific Ocean their western boundaries. New York claimed lands in what are now the States of Ohio and Kentucky by virtue of treaties with Indians comprising the Six Nations and their allies. Although there were thus 7 States claiming the western territory after the Declaration of Independence, 6 of these were by assertion of the right to succeed to the title of the English sovereign to vacant lands.

To alleviate dissatisfaction among the smaller States, New York tendered her western lands to the Continental Congress in 1790. That same year the Congress requested that other States do likewise and declared that these ceded lands should be settled and eventually formed into new States under such terms and regulations as Congress should provide. The relinquishment of these western lands did not require, of course, that vacant lands within the borders of the Thirteen States be released to the confederation government. Such lands, if extant, remained the property of these States to be sold or exploited without Federal control. In many instances the natural resources included in these lands were wastefully dissipated. In addition to Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia, Texas, Kentucky, and Tennessee succeeded largely in obtaining possession of vacant lands within their borders. It is said that no public lands can longer be identified in Illinois, Indiana, Iowa, Missouri, and Ohio. Small areas may remain in Alabama, Kansas, Louisiana, Michigan, Mississippi, Oklahoma, and Wisconsin in widely scattered and located tracts. Thus, the bulk of the Nation's remaining reserved natural re-

sources exist in the 11 Western States, noted earlier, and in the Territory of Alaska, and it is this bulk which is always involved in any effort to transfer public domain to any given State.

No one can deny that Congress has the constitutional power to divest itself of these natural resources by transferring them to the States, for the Constitution specifically says, in article IV, section 3, clause 2, that the Congress shall have power to dispose of the territory or other property belonging to the United States. This power was clearly recognized in the first tidelands case—*U. S.* v. *California* ((1947) 332 U. S. 19, 40)—wherein Mr. Justice Black, speaking for the majority, stated:

> We cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission.

Thus, even the decisions of the Supreme Court, holding that California, and later Louisiana and Texas, did not own the marginal belt along their coast, and deciding that the Federal Government rather than the States has paramount rights in and power over that belt, an incident to which is full dominion of the resources underneath the water area, including oil, cannot preclude legislation by Congress under the above noted constitutional provision disposing of that property. Congress did it before in granting to the State of Wyoming a small tract of land containing oil—Public Law 887, 80th Congress; Sixty-second Statutes, page 1233—notwithstanding a prior decision of the Supreme Court fixing title to that land in the United States. See *U. S.* v. *Wyoming* ((1947) 331 U. S. 440).

Acknowledging this constitutional power of Congress to dispose of the property of the United States does not establish, necessarily, the merits of disposition. It has been said that the reserved oil deposits beneath the marginal seas constitute a huge public trust held by the Federal Government in the interest of all the people of the United States. They are enormously valuable, and there is no more impelling reason why they should be given to the bordering States than that other reserved natural resources should be given to the respective States in which they are located. It has been estimated that more than 2½ billion barrels of oil, in addition to the oil already recovered from the submerged lands under the marginal seas, may be discovered and given away by this legislation to the States of California, Louisiana, and Texas. Royalties from this oil could bring huge revenues into the Treasury and assist in reducing the national debt even under existing law. There may be other mineral resources of great value beneath these ocean beds which are said to cover an area of the Continental Shelf in the Atlantic Ocean, the Gulf of Mexico, and the Pacific Ocean approximating 185,800,000 acres. See Senate Document 139, 82d Congress, page 3, and House Report No. 695, 82d Congress, page 11. Historically, it is interesting to note, the revenues from the sale of lands in the ceded Northwest Territory were used to liquidate the national debts incurred in the American Revolution.

No intelligent person will deny that oil resources are vital to national defense, for almost every vessel and machine of the Armed Forces is either propelled by its byproducts or uses oil in some form. The disposition of these resources would seriously involve powers conferred by the Constitution of the United States on Congress to raise and support armies, to provide and maintain a navy, and to regulate commerce. A serious depletion or extinction of these oil resources and other natural resources would be a national tragedy.

As stated earlier, the transfer of these lands will merely be the opening wedge of a drive to accomplish other transfers, and in this connection mention was made of rights-of-way given to land-grant railroads. Decisions of the courts have been uniform in holding that these grants to the railroads have not been in fee simple absolute, but rather have been in the nature of easements for public use with a right of reverter to the United States in the event that the railroad abandons the right-of-way or attempts to dispose of it for use other than that originally contemplated. See Forty-fourth American Jurisprudence, Railroads, section 97, citing *Rio Grande Western Ry. Co.* v. *Stringham* ((1915) 239 U. S. 44). These grants are subject to further legislative action on the part of the Congress—*City of Reno* v. *Southern Pacific Co. et al.* ((1920) 268 F. 751, 756). Already there is before Congress a proposal to grant parts of these rights-of-way to the railroads for disposition. Even if the rights-of-way were to be abandoned, insofar as railroad uses are concerned, their customary 200 feet of width conceivably could be of great importance for national-defense high-speed highways. This is, of course, merely one of the lesser items which must be considered. Of far greater importance are the national forests, the reserved power sites, the public [illegible]zing lands, and the mineral reserves. [illegible]tulation to quitclaimism, whereby the [illegible]nited States would be persuaded to renounce blindly to States sovereignty over millions of acres of seaward lands, would lead to the ultimate destruction of all Federal conservation, public land, and public power policies and would result in the exploitation and waste of the remaining natural resources of the Nation. This would not be in the best interests of the Nation.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. O'HARA] such time as he cares to use.

Mr. O'HARA of Illinois. Mr. Chairman, if the passage of this bill, surrendering the security of the American Union to the oil barons, is forced by the administration as the price of a presidential election an angry Nation will swamp in a tidal wave of indignation the last vestige of the Republican Party. When the full purport has been felt Illinois, where the Republican Party was born, will be one of the pallbearers.

Once before Illinois accepted the challenge in the defiant cry that the State comes first and the Nation second. The people of Illinois, Mr. Speaker, have not changed in their unswerving and undivided loyalty to the Union since the days of Abraham Lincoln. Make no mistake on that score. Illinois never did, and it never will, sell out the American Union.

This bill gives to 3 or 4 States rights which conceivably can prove to be worth enough to pay off the entire national debt twice. The figure is by no means fantastic. Never has a threat so fatally paralyzing been raised against the Union.

If the arguments of the fine gentlemen of oil prevail, if the ambitions of sectionalism triumph over the devotion to the Union, if the publicized respectability of corporation lawyers serving rich clients succeeds in making a mockery of the Supreme Court of the United States, then, indeed, will the 83d Congress have written a chapter in infamy.

Does anyone think that the American people have become so craven and spineless that they will raise no outcry when someone is running away with the family treasures? Do not play the American people for suckers. Do not knock them down and strip them of their clothing and expect them to take it.

I would like to ask my Republican colleagues from Illinois what answer they will have for the people of our State when as a result of the passing of this bill every man and woman in Illinois, in addition to carrying their own heavy taxload, will be called upon to help out great big Texas. Now get this. The State of Texas not only fixes a minimum price for natural gas in the field, but also imposes a gathering tax upon such gas on the pretext of conserving the State's resources. Such regulation and taxation affects the price of gas supplied to domestic and industrial consumers at retail in the State of Illinois and other inland States. Interstate pipeline companies owning or controlling natural-gas fields are now divesting themselves of their natural-gas fields to get away from the jurisdiction of the Federal Power Commission. Please read the case of *Federal Power Commission* v. *Panhandle Eastern Pipeline Companies*. (337 U. S. 498; 93 L. edition 1499).

In the bill that we have before us Texas is empowered to impose this gathering tax and extend it to the rich and unlimited fields to the Continental Shelf. That means that every man and woman in Illinois, as well as in the other States, will have to pay more for their gas, and all for the benefit of one State.

Similar manipulations to increase the cost of oil to consumers, including the United States Government, no doubt can be employed by the few States bordering upon offshore oil reserves with injury to all parts of the United States. How are my Republican colleagues going to explain it?

The counterscare that the lands on Lake Michigan and other inland bodies are in danger is knocked into a cocked hat by the facts. Please ask Henry E. Cutler, without whose legal opinion no banker in the Midwest will underwrite any municipal bond issue, what he thinks about such a silly contention. Yes, Mr. Chairman, the attorney general of Texas and the attorney general of California did try to work the scare on the city of Chicago and they got nowhere. Ask Joseph F. Grossman, special assistant corporation counsel of the city

of Chicago and one of the great authorities of the Nation on municipal and public-utilities law. Read the words of the Supreme Court of the United States in the Illinois Central case—146th United States Reports, page 387.

No, Mr. Chairman, the people of Illinois will not be scared by a bogey man into consenting to the sell out of the Union.

This bill is just that—a sell out of the American Union. It is the child of the same brain that plotted Teapot Dome. Moreover, it is a brazen sell out of the American people, north and south, east and west. It is taking us back to the days when speculators, timber and cattle barons, copper and steel kings, rode high and handsome in rugged and ruthless individualism. Then it was the public lands which we took from the people and in grants to railroads turned over to the gang of exploiters. What happened will be visited upon us again when this evil measure is enacted into law. The railroads ran the Government. They prevented for years the building of an inter-oceanic canal. They corrupted every level of government. Do the people of California want to go back to the political conditions of their State before Hiram Johnson at long last broke the strangle-hold of the railroads? Explain this bill to the common people of California, let them know that it is the cover-up of the same old hand reaching for their throats, and then try to sell them a bill of goods from the fashionable offices of corporation lawyers who have hired out to rich oil clients.

The States receiving title to tidelands oil will lease them for a pittance of royalties to the big oil companies. A small group of rugged and ruthless individuals will reap high profits. Petroleum deposits will be quickly exhausted, and the national security if war should come will go up in flames. What will the ordinary decent and honest men and women of California, Texas, and Louisiana receive? Just as much—not one whit more—than they have always been doled when exploiters held the gun. Oil can buy for hire corporation lawyers, but I do not think it can fool the common sense of the ordinary people of California, Louisiana, and Texas any more than it can make a nit-wit of the good people of Illinois.

Mr. Chairman, the American people are not buying this bill of goods. If the administration forces its passage, the American people will see to it that there is a new representation in the 84th Congress. The oil barons will discover that all that they got from the 83rd Congress was a law which the 84th Congress repealed.

It is said by those who are authorities on conservation and natural resources that the tidelands grab is merely the start of an expected raid on Federal lands. The Federal Government now owns 457,600,000 acres of land. Let the pattern be set of giving away the people's wealth and resources to States, which in turn give them away to rugged and ruthless individuals under the pretense of leases, and the jig is up. It will be the end of the great and glorious dream of the American people. What foreign nations could not do will have been accomplished from within.

Mr. Chairman, at this moment of crisis, when our destiny as an American union dedicated to the service of all the people is hanging in the balance, it is natural that I should be thinking of Theodore Roosevelt and of his great leadership in the fight of the American people to preserve our national resources for all the people against the designs of the exploiters. We stand at Armageddon.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MACHROWICZ] be given permission to extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MACHROWICZ. Mr. Chairman, serious illness in my immediate family may compel me to leave Washington before a vote is taken on H. R. 4198, the so-called offshore lands bill.

I assure my colleagues that only the most compelling circumstances could prevent my casting personally a vote on this important legislation. The bill as reported by the Committee on the Judiciary is, in my opinion, clearly contrary to the best interests of our Nation. It gives away to the States our national resources, which should be retained, developed, and conserved for national purposes. The income derived should be devoted to education throughout the United States.

But the bill goes even beyond the position taken by the present administration. By quitclaiming lands beyond the 3-mile limit we would confer unprecedented and unconstitutional power upon a few States to tax production from federally owned lands out to the Continental Shelf. We would create a dangerous precedent, which might well be followed by proposals to transfer federally owned timberlands, grazing lands, and perhaps even national parks to the States for cession to private exploiters, or directly into private ownership.

I sincerely hope that the membership of the House will uphold and follow the good conservation traditions of our country by refusing to lend themselves to this dangerous, inequitable proposal to dissipate our national heritage.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. DOLLINGER] be given permission to extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOLLINGER. Mr. Chairman, it is fantastic and incredible that Congress should consider for one moment legislating away the right and title to billions of dollars of oil reserves which all the people of our country own for the benefit of the citizens of a few States, and in particular to fatten the coffers of the oil trust. Are we to rob the youth of our Nation of the educational assistance assured them by the Federal Government since earliest colonial days? Are we going to jeopardize our national security by permitting private oil companies to gain control over our rich oil reserves, which are so vital to our defense?

I maintain that this legislative body, which represents the people of the entire Nation, has no such authority; it has no power to give away any part of our rich natural resources to any one segment of the country. Furthermore, in my opinion, the measure before us for consideration would be held unconstitutional if we commit the grievous error of passing it.

The Supreme Court, in three separate decisions, has declared that the States never did own or have any title to submerged lands and established beyond all doubt that title to oil in submerged lands off our coasts belongs to all of the people, not to just a few States. Now Congress is being asked to override and reverse the Supreme Court in a question of land titles which rightfully came before the Court and was peculiarly within its judicial determination. Should we ignore these decisions, it will constitute a serious encroachment by the legislative branch of our Government upon the judicial branch, and I am opposed to such action on our part. I hold that this so-called tidelands issue has been decided under law; the question is not properly before us now.

The past history of our Nation, from its very beginning, supports the decisions of the Supreme Court. No State right to marginal waters, as is now requested, has ever been recognized. Instead, the Federal Government has consistently claimed these seas and submerged lands. Thomas Jefferson established the claim of Federal ownership in 1793 at the time of the Louisiana Purchase; he realized that Federal control of marginal waters was vitally necessary to the defenes of our new and fast-growing country. The national policy of using revenue from public lands for educational purposes was established in colonial days, but we find that as early as 1780 Congress had to beat off attempts by the States to lay claim to public lands when they sought to further their own selfish aims at the expense of others. Former President Truman vetoed legislation similar to that before us now, and upheld the right of the Federal Government to the lands in question.

The States now demanding that Congress make them a present of from $50 billion to $250 billion in offshore oil and natural gas resources are Texas, Louisiana, and California. They are claiming that we should restore their submerged lands to them. The word "restore" is deceiving as used by them—they have never had legal title to the property in the first place, so how can we return to them what they never owned?

Testimony given by Attorney General Brownell threw a serious doubt upon the constitutionality of this legislation. To circumvent such a test, he recommended legislation which would not quitclaim title to the submerged lands but would merely grant authority which the States in question would need in order that the rich oil reserves could be appropriated for their own benefit. Oil is the objective, and we know that the oilfields which have been developed under State control are beyond historic State boundaries. The issue is not tidelands—the coastal States fighting for offshore oil are claiming title to resources which lie

beyond the tidelands; beyond the historic national 3-mile limit—out to 200 miles from the shore. Their claim is ridiculous, for only the Federal Government has the power and the right to protect such lands, and the remaining States have the right and the law on their side to disprove such claim.

Federal funds, paid into the Treasury by the people of all States, have gone toward the acquisition of land, the development of our natural resources, the protection and preservation of every part of our Nation. It follows that any benefits and profits which are derived from federally owned resources should be distributed equally among all the people. The burdens are borne by all; let the good be meted out in equal proportion. Because by accident more natural resources happen to be located in one State than in another, does not mean that all the benefits can be hogged by the State where such resources are found.

The bill before us would give States complete control of submerged lands out to their historic boundaries; it would also give the States authority to levy a tax on oil pumped from submerged lands seaward of those boundaries. The coastal States will lease these lands to private oil companies and keep all the revenues. In effect, a few coastal States will become rich at the expense of the other 45 States. It is inconceivable that in addition, we should authorize those States to tax revenues the Federal Government would get from the Continental Shelf lands beyond the 3-mile and 10½-mile limits. These lands are absolutely vulnerable to enemy attack in time of war—they will, in fact, be a major target. Who will, of necessity, protect them? The Federal Government will be compelled to do so, and the ships and planes, weapons and men will be furnished by all of us—not by the few States reaping the profits of the oil fields.

Oil is vital to our defense; without it we cannot hope for victory in war, for our military forces must have oil. The Federal Government must keep control of our oil resources, an overall protective policy must be established and adhered to. Furthermore, to force the Federal Government to pay a tax on revenues collected from resources belonging to it is unthinkable.

It is a certainty that if we give the coastal States the oil they are demanding, then the Western States will be all set to ask for our public lands. If we pass this bill, it would set a dangerous precedent for surrendering to other private interests the remaining natural resources of our country—our public lands. Then we would lose our national forests, grazing lands, and rich mineral resources. Even as the oil interests seek to grab the submerged oil lands, so the lumber and cattle interests are ready to renew their attack to gain control of our public lands. Congress must act to protect the public interest in this instance as it has in the past.

In 1787 Congress adopted ordinances which set aside every 16th section of the public lands west of the Alleghenies to establish and maintain schools. The Federal Government recognized its duty to support schools so that every child could be assured of an education. Let us look at the educational picture of today. In every State—the poor and the rich—there is a crying need for financial assistance for education. It is impossible for the States to obtain the vast sums necessary to bring the schools throughout the Nation up to the desired minimum standards. We find millions of children in inadequate school buildings; teachers are poorly trained; classes are held in makeshift classrooms, hallways, basements, and even dangerous quarters. There are double and triple shifts of school schedules, classrooms are overcrowded, teachers are overworked and underpaid. The States simply have been unable to meet the educational demands of the rapidly increasing numbers of school children; financial needs for the local and State school systems have outdistanced any sources of State funds.

Only by incurring more debts or increasing taxes can this crisis be met by the States, and to add more taxes to the heavy tax load now being carried by our people would be disastrous. The alternative would be to use the oil-reserve revenues to rebuild our school systems. The wealth we are being asked to give away to a few rightfully belongs to our children; the principle of using such revenues for educational purposes is century old. It is not our privilege as Representatives to disregard that principle or to deprive our children of the educational assistance which has always been their birthright. Furthermore, the proper education of our youth governs their economic security and their usefulness as good citizens; it is vital to the preservation of our democracy and the future of our Nation.

Our duty is clear. The offshore oil lands belong to the American people—not to a few, but to all. Let the Federal Government collect the revenues and use them to rebuild and improve our school and college systems, or to apply them to our national debt and so reduce taxes. The strength of our Nation has grown on the basis of absolute equality among the States. Let us keep that balance. Let us remember that our national resources belong to all.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, during this week the House of Representatives will again pass on the momentous issue of who owns the so-called tidelands. Since about 1938, this has become one of the burning issues of the day. Few matters coming before this 83d Congress will have been discussed and debated as thoroughly as this tidelands issue. There have been volumes of testimony and debate on this great question since it was first raised back in the late thirties. It is an involved question, but the principle is indeed very definite and relatively simple. It involves a great principle of government which has been a subject of controversy since the establishment of the American Republic. That principle of government is commonly referred to as States' rights. Most people in America today give lip service to and express a belief in States' rights, but indeed many stray far afield of that great principle on many of the issues which directly affect that principle of government.

The question here is whether or not the various States of this great Union own the submerged lands within their historic boundary lines.

Mr. Chairman, I contend that the States do own these submerged lands and I am firmly of the opinion that any fair appraisal of the history of this question and all of the evidence at hand will lead to the same conclusion.

The historical background of this great issue goes back to the Revolutionary War. When our forefathers through long years of toil and struggle finally threw off the yoke of British tyranny, the Thirteen Original Colonies became free, independent and sovereign States. As such sovereign States, they became the successors to all of the proprietary rights of the Crown and parliament in, and all their dominion over, lands under tidewaters. The historic rule of the boundary line of any country extending 3 miles seaward from the low tide watermark established within the respective 13 independent and sovereign States title to the submerged lands now in question. No student of this subject will deny these facts. Then these Thirteen Original States free, independent, and sovereign as they were, decided to form a union. At that time all power and authority rested within the respective States and the people of those States. When the Union was formed, it became necessary for these various States to confer upon said union certain limited power and authority. This was done by a constitution in which that power and authority was spelled out. Some of the States fearing that down through the years, there might be some misinterpretation of this power and authority, refused to ratify that Constitution until there was written into it the first 10 amendments known as our Bill of Rights. My State of North Carolina was in this number. In an effort to assure that there would be no misunderstanding about the question of power for this new Federal Government, the 10th amendment was adopted which reads as follows:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

So these States joined the union and conferred certain limited power and authority upon it. There was neither a conveyance of property nor a relinquishment of any property. Then how did the Federal Government acquire this title?

Mr. Justice Frankfurter in his dissenting opinion in the California case said with reference to the Federal Government's contention in that case:

> Rights of ownership are here asserted—and rights of ownership are something else. Ownership implies acquisition in the various ways in which land is acquired—by conquest, by discovery and claim, by cession, by prescription, by purchase, by condemnation. When and how did the United States acquire this land?

Without a doubt, these lands remain within the ownership of the Thirteen Original States. The various other

States since admitted to the Union have the same sovereignty and jurisdiction as the Original Thirteen States and likewise became the owners of the submerged lands within their boundaries.

This doctrine was recognized by the Federal Government as well as by the States from the beginning of our Federal Republic until a few years ago. This doctrine was undisputed for more than a hundred and fifty years. The United States Supreme Court has in numerous opinions recognized this doctrine for more than 100 years. Chief Justice Taney in 1842, said:

For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

Mr. Justice Clifford in 1867, said:

Settled rule of law in this court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders. When the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

Mr. Justice Field in 1873, said:

All soils under the tidewaters within her limits passed to the State.

Mr. Justice Hughes said in 1935:

The soils under tidewaters within the original States were reserved to them respectively and the States since admitted to the Union have the same sovereignty and jurisdiction in relation to such lands within their borders as the original States possessed.

So we see, Mr. Chairman, this doctrine has been recognized time after time by the Supreme Court, and was so recognized until 1947, when by a divided decision this legislative Supreme Court which we now have seized these lands by judicial fiat. Mr. Justice Black and Mr. Justice Douglas in setting forth this new paramount right or Federal theory treated with almost contempt our great doctrines of legal title and property ownership. They spoke of bare legal title and mere property ownership in such terms as to indicate that these were worn out doctrines and had no place in the new order of the day.

In view of these Supreme Court decisions the title to not only the so-called tidelands but also the lands beneath the bays, inlets, the Great Lakes, and every navigable stream in our fair land has become clouded. These decisions have left the situation so confused that it now becomes necessary for the real legislative body of America, the Congress of the United States, to declare once again where the title to these lands are vested. H. R. 4198 is in the form of a quitclaim deed to the various States for the submerged lands within their borders. We are recognizing that the Federal Government has no title to these lands, but in the event the judicial fiat of the present Supreme Court has created within the Federal Government any title, the same is hereby quitclaimed, confirmed, and established within the States of this Union. This bill confirms and establishes the title of the States to lands beneath navigable waters within the historic boundaries of the various States and provides for the use and control of the resources of the outer Continental Shelf and places the subsoil and natural resources of said outer Continental Shelf within the jurisdiction and control of the Federal Government.

Mr. Chairman, the subject has been debated within this country as few subjects have been discussed, but never in my life have I seen as much false and misleading propaganda put forth on any issue. The propagandists, both inside and outside of the Government, have led many of our people to believe that we are giving away billions of dollars worth of the resources belonging to the Federal Government. They have injected what they believe to be a very popular issue into the fight in that they desire to becloud the issue by saying that all of these billions should be earmarked and used as grants in aid to education, including primary, secondary, and higher education. This is done in an effort to aline many of our educators behind their effort to assert and maintain Federal ownership and control over these lands. I sincerely hope that those educators who have been misled will use some of their fine training and experience to get at the facts in this matter.

Let us explode some of these arguments, and show them up for what they really are. First, Mr. Chairman, as we have pointed out before, all of the history and the evidence clearly indicate that the Federal Government does not own these lands. Second, there is a principle of government involved which must be decided on the basis of right and wrong and not upon the basis of the value of the lands in question. Third, these propagandists take the estimated value of all of the oil lying underneath water on the entire outer Continental Shelf as well as all lying beneath the navigable waters within the historic boundaries of the various States. We are told by the experts that a large part of the oil reserves lie on the outer Continental Shelf which is beyond the historic boundary lines of the States, and under the terms of this bill, Mr. Chairman, those oils would belong to the Federal Government. Those who would mislead never point out these facts to the people. Fourth, that the overall figure does not take into account that it will cost literally millions upon top of millions of dollars to discover this oil and to engage upon the hazardous task of taking it from these submerged lands. Fifth, they overlook telling the people that the burden of supporting the educational institutions and schools of our country has not as yet been assumed by the Federal Government. Sixth, they fail to point out to the people of this country that under their theory, the Federal Government can assert title to all the fish, oysters, sand, minerals, and all other things not only in the so-called tidelands area in question, but also in every navigable stream of our country.

Mr. Chairman, there are also those who would becloud and befuddle the issue by raising the great question of national defense. Those of us who support this measure are just as concerned over our national defense as those who might oppose it. Everyone recognizes the power conferred upon the Federal Government in our Constitution over navigation, commerce, national defense, and international affairs. This bill does not affect any of the Federal constitutional powers of regulation and control over these matters within the historic boundaries of the various States. Under this bill, the Federal Government would have the same right with reference to these matters on these lands in question as it has over all of the lands in all of the States of this great Union. This bill gives to the Federal Government the preferred right to purchase whenever necessary for national defense all or any portion of the natural resources produced from any of these submerged lands. It expressly exempts from the operation of this bill any areas where the United States has lawfully and expressly acquired a valid title under the laws of the State where the lands are located. Those who advocate the national defense theory fail to recognize that it would necessitate the establishment of another tremendous Federal bureau to develop these lands and to secure the oil. The States have heretofore administered the matter of obtaining oil from the lands within their boundaries in a manner which has not only proved successful but which has been free of fraud and corruption. The Federal Government will do well if it can develop in an orderly fashion the vast oil reserves on the outer Continental Shelf which is recognized as the province of the Federal Government in this bill. If these great oil reserves are properly developed, they can provide for the Federal Government vast stores of oil for national defense. While at the same time, under the terms of this bill, the Federal Government can at any time when needed for national defense come in and purchase the oil developed and produced under the direction of the States. The vast outer Continental Shelf containing approximately 235,892 square miles of territory will offer to the Federal Government a colossal challenge to develop and bring into production the huge oil reserves which are contained therein. If this area is properly developed and properly handled by the Federal Government, it will bring to the Federal Treasury untold millions of dollars in revenue and will provide vast oil reserves for national defense.

In closing, Mr. Chairman, let me say that the principle contained in this bill is sound and is right. We are not by this act giving to the various States of this Union vast lands and natural resources, but rather we are merely clearing the cloud from the title which has historically been vested in States. We are merely righting a wrong which was done when the Supreme Court clouded these titles. Let me say to those who doubt the wisdom of this step, to not only read the many decisions of the Supreme Court, but also review again the teachings of Thomas Jefferson.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, 2 years ago when the so-called tidelands oil legislation was before the House, I spoke in opposition and voted against the bill. I have not changed my position in the interim and the present legislation contains almost identically the same provisions to take from the people of the United States the control and title to untold billions of our resources lying beyond the low-tide watermark in our coastal areas.

The Supreme Court of the United States has, on three different occasions, held that the various coastal States own the land underneath the ebb and flow of the tide, but that the National Government is the inherent owner of the lands beyond the low tidewater margins. The proponents of this legislation who have had charge of the newspaper and radio propaganda, emphasize the theory that the bill would give the various States rights to lands adjoining and underneath inland rivers and lakes and so forth. This contention is fallacious and in direct contradiction to the true facts. The proponents of this bill fail to emphasize that by placing the Nation's unlimited oil reserves located beyond the coastlines of the United States in the control of the various States, it would eventually cause the Federal Government to lose jurisdiction and ownership of the vast amounts of oil and gas which our Navy, Air Force, and Defense Department will, in the future, utilize for our national protection.

I have not heard it mentioned in the debate on this bill the fact that if this legislation is enacted into law, it will eventually bring about an increased cost in the price of oil and gas to the consumers in other areas throughout the Nation. Special consideration from this standpoint should be given to the effect of transfer to the States of title and jurisdiction to these submerged lands. As an example, the State of Texas not only fixes a minimum price for natural gas in the field, but also imposes a gathering tax upon such gas as a pretext of conserving the State's resources. Such regulation and taxation affects the price of gas supplied to domestic and industrial consumers which retail in the Calumet region of Indiana, the State of Indiana and all other surrounding States. Interstate pipeline companies owning or controlling natural gas fields are now divesting themselves of their natural gas fields to get away from the jurisdiction of the Federal Power Commission. This leaves the producing affiliates of the pipeline companies free to assess whatever price the traffic will bear for gas in the field. On account of this taxation-gathering tax, there is now pending before the Federal Power Commission an application for an increase in the price of natural gas to be delivered to the retail distributors in the Indiana-Chicago area. Similar manipulations to increase the cost of oil to consumers, including the United States Government, no doubt will be employed by the few States bordering on offshore oil reserves to the oil and gas consumers in all parts of the United States.

The propaganda which the oil lobbies have been using on the tideland oil legislation has been that the inland States would be deprived of title to submerged lands pertaining to rivers and lakes within or adjoining their borders. The real truth is, the enactment of the tideland oil legislation would free a few large oil producing States bordering on the Pacific Ocean and the Gulf of Mexico from interference by the United States in the exploitation of the oil resources under those waters. Several legal experts of outstanding ability have given opinions which have not been questioned that the various States title to submerged lands within their States is not in jeopardy by the so-called tideland oil legislation which we are now considering.

Twenty-seven mayors of the larger cities in the United States have issued a joint statement that the civilian and defense needs of our country require prompt exploration and development of our offshore resources and that the Nation should have the use and power to conserve these resources. Legislation is now pending in Congress which I propose to support, will keep this offshore oil for all the people of the United States for the purposes of expanding our educational resources and give the school teachers of America a greater financial return for their services in educating our children. Today in America over 4 million school children have their education impaired by reason of untrained, underpaid teachers and inadequate school buildings because the State and local taxing units cannot meet the growing cost of education. I will support the so-called oil for education amendment to this legislation which provides that these offshore oil resources of the Nation will be developed in the interest of all the people and that the Federal revenues gained therefrom should be used to help meet the urgent need for these funds to aid our schools.

H. R. 4198 is bad legislation, and will eventually be a windfall to the oil monopolies if enacted into law. Legislation of this kind if enacted into law will create a precedent and invite further raids on our natural resources. It will lead to proposals for transferring our timber land, grazing lands, wildlife refuges, and perhaps our national forests to the States for eventual exploitation.

Mr. CELLER. Mr. Chairman, I yield 13 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, today the House begins its biennial consideration of the bill which its proponents have designedly named the tidelands bill. This name could not be less appropriate, for the tidelands—the land lying between the high and low water marks on the shores of the ocean—is not even involved in the dispute. Everybody admits the fact that the strip of tideland belongs to the States in which it lies. But those who favor this bill propose to give a new meaning to the term "tidelands." They say these are the lands lying seaward from shore for a distance of 3 miles—in the case of Texas and west Florida, 3 leagues. Yes; and we are even asked to accept the proposition that the entire Continental Shelf, all of its 250 miles are part of the tidelands, because this bill says the States own such lands. It does this by giving them the taxing power. This bill says their title in such lands should be confirmed.

This is not a tidelands bill. This is a bill which could with much more justice be called the giveaway bill or the tri-States mutual assistance program or even the tri-States misappropriation bill. The Supreme Court of the United States has decided, not in one case, but in three cases, that the oil lying in the submerged lands beneath the ocean belongs to all the people of the United States. This bill seeks to misappropriate that wealth for the benefit of Texas, California, and Louisiana. Talk about pouring oil on troubled waters—this bill proposes to pour the oil and mineral wealth of 48 States into the tanks of only 3.

This controversy has been marked by deception and false issues. I should like to discuss one such issue today, an issue which has been falsely injected into this debate, that State ownership of inland waters has been placed in jeopardy by the three Supreme Court decisions. The bogyman has been created that the Federal Government is going to take all inland waters—the tidelands, the lands under the rivers, harbors, bays, inlets, and all other navigable waters. Nothing is further from the truth.

Mr. Chairman, in spite of what those who favor this bill say, inland navigable waters are not involved in this controversy. Lands beneath open ocean and inland waters constitute entirely separate and different problems. The proponents of general quitclaim legislation have deliberately confused the two issues in an effort to gain the support of the 45 States which stand to gain nothing and lose much if the rights of the Federal Government in the Continental Shelf are given away to California, Texas, and Louisiana.

The propaganda supporting quitclaim legislation benefiting three coastal States has been directed especially to the States bordering the Great Lakes, to my home State of Illinois and to States such as New York, Massachusetts, and Florida which have extensive harbor and beach developments on filled land. The numerous Supreme Court decisions and statements by Federal officials specifically declaring such areas "inland waters" have been ignored or misinterpreted.

The Supreme Court has held plainly and unequivocally in at least 23 decisions between 1842 and 1935 that the respective States own the beds of all navigable inland waters, such as lakes, rivers, and bays situated within their boundaries. There has never been a single exception to this general rule of constitutional law. The United States does not and never has challenged the ruling in these decisions.

They cover a wide geographical area, from New York on the east to California on the west, from Michigan on the north

to Alabama on the south. They involve such widely diverse types of submerged lands as the beds of Raritan Bay in New Jersey, the North River in New York City, Lake Ontario in New York State, Chesapeake Bay, the Ware River in Virginia, the Mobile River in Alabama, Lake Michigan in Illinois, St. Mary's River in Michigan, the Fox River in Wisconsin, Mud Lake in Minnesota, the Mississippi River in Minnesota, in Iowa and in Illinois, the Snake River in Idaho, the Grand, Green, and Colorado Rivers in Utah, Lake Union and Lake Washington in Washington, the Columbia River in Oregon, the Sacramento River in California, and San Francisco Bay. In addition, Long Island Sound and Puget Sound have been determined by the Court to be inland waters.

As recently as 1950, the Supreme Court expressly referred to its earlier decisions on this point and reaffirmed them. In the case of *U. S.* v. *California* (332 U. S. 19), the Court held that the States are seized of "ownership of lands under inland navigable waters such as rivers, harbors, and even tidelands down to the low-water mark."

Moreover, the sense in which the Court used the term "paramount rights" in the California case was a confirmation of earlier decisions that the States have title to lands beneath inland navigable waters. The Court stated that if, as it had held in many earlier cases, the States have paramount rights in the beds of navigable inland waters, the same reasoning leads to the conclusion that the United States has paramount rights in lands beneath the open sea by virtue of the international interest and responsibilities which the Constitution entrusted to it.

The Supreme Court has twice held explicitly that the Great Lakes are inland seas and that the States bordering on them own the portions of the beds of the Great Lakes that are situated within their respective boundaries.

In the case of *Illinois Central Railway* v. *Illinois* (146 U. S. 387 (1892)), the Court held that the State of Illinois owned the bed of Lake Michigan in trust for the people of the State and that the State legislature could not make a valid conveyance of the bed of Lake Michigan to the railroad. The Court stated:

> These lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of the tide.

In the case of *Massachusetts* v. *New York* (271 U. S. 65 (1926)), where a lake with an international boundary line was involved, the Court ruled that the bed of Lake Ontario lying within the boundaries of New York State belongs to the State of New York to the international boundary line.

These two cases are applicable to other States bordering the Great Lakes and indicate that each of them has clear title to the bed of that portion of the Great Lakes within its boundary.

Those who favor this bill have undertaken a national scare campaign to quell all opposition. As an example of what I mean, let me call your attention to the CONGRESSIONAL RECORD, volume 98, part 2, page 1916, and I read from the RECORD.

The junior Senator from Florida is speaking:

Mr. SMATHERS. Mr. President, I hold in my hand a reply by the attorney general of Texas to the very able Senator from Illinois which I think would call forth some four-bit words on the part of the Senator from Illinois. I read from the letter:

Your radio broadcast charging that only Texas, Louisiana, and California would benefit from pending legislation confirming State ownership of submerged lands ignores and distorts the facts.

The truth is that the State bills confirm ownership of lands beneath navigable waters within the respective boundaries to each of the 48 States, including nearly 1,000,000 acres of Lake Michigan to your own State of Illinois.

If you doubt that the Federal Government can take your Lake Michigan lands and shoreline improvements in Chicago, please read the Supreme Court case of *Illinois Central R. R. Co.* v. *Illinois* (146 U. S. 387), in which it was held that the Great Lakes are "open seas" and that your State holds title to the bed of Lake Michigan under the same rule of law that the coastal States hold title to "lands under the tidewaters on the borders of the sea."

If you lend your aid to destroying the title of the 21 coastal States you will be destroying the title of your own and neighboring Great Lakes States. The 8 Great Lakes States have more than twice as much land under the lakes as the combined 21 coastal States have within their marginal sea boundaries.

Mr. DOUGLAS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. DOUGLAS. Mr. President, I thank the Senator from Florida for calling my attention to a letter which I have not yet received. The Senator seems to have more information about my correspondence than I possess.

But let me say to my good friend from Florida and to my good friend from Louisiana that the issue is not on inland waters, land beneath rivers, or land beneath tidewaters. All that area belongs to the States, according to decisions of the Supreme Court, and it is not proposed to take it from the States.

This colloquy shows how desperate—yes, how irresponsible—was the action of the attorney general of Texas. The Senator from Florida had a copy of the letter to Senator DOUGLAS, even before he had received the original.

As another example of the type of scare warfare being conducted by proponents of this bill, let me tell you about what happened in 1950 with respect to the filtration plant which the city of Chicago is building in Lake Michigan as a part of its water system. The city was attempting to finance the construction of the plant and was negotiating with a group of bankers to finance it. The attornel general of Texas wrote to the bankers and posed doubts about title to the land in Lake Michigan. This was done for the purpose of inducing the city to join with the State of Texas to obtain title to the submerged land off the Gulf of Mexico bordering the State of Texas. The special assistant, Mr. Joseph F. Grossman, formerly corporation counsel of the city of Chicago and now a special assistant corporation counsel, wrote the following letter in reply to the attorney for the bankers:

MARCH 29, 1950.

Mr. HENRY E. CUTLER,
Chapman and Cutler, Chicago, Ill.

DEAR SIR: Reference is made to your letter of February 14, 1950, relating to the so-called tidelands case decided by the United States Supreme Court, June 23, 1947 (*United States* v. *California* (332 U. S. 19–46; 91 L. ed. 1889)). Enclosed with your letter is copy of a statement by John D. McCall, of Dallas, Tex., to the water code committee on the subject of effect of adverse decision in tidelands case on inland water rights.

There is a general misapprehension of the nature of the case referred to. The term "Tidelands case" in my opinion is a misnomer. The case did not involve title to submerged lands under tidewaters. It involved a controversy between the United States and the State of California as to the ownership of the 3-mile belt of land under the ocean seaward of low water mark.

The realistic controversy did not involve so much the legal title to the submerged land as the right to exploit the ocean bottom for oil and other resources deemed essential to the security of the Nation. There is no inference in that opinion which denies to the States the ownership of lands covered by tidewaters, or by fresh waters in the Great Lakes, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the lands and waters remaining, as that right was established in *Illinois Central Railroad* v. *Illinois* (146 U. S. 387, 435, 453).

On the contrary, the Supreme Court in its decision of June 23, 1947, distinguished that case from earlier cases holding that the States owned in trust for their people the navigable tide waters between high and low water mark and navigable inland waters. Our own research discloses that the title of the States to such waters and the underlying lands never was considered as absolute as the title to uplands intended for sale or other disposition. "It is a title held in trust for the people of the State that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein freed from the obstruction or interference of private parties." (*Illinois Central Railroad* v. *Illinois, supra,* p. 452.)

The Secretary of the Army, as successor to the Secretary of War, acting under authority conferred by Congress, may assent to the erection of structures, such as wharves, piers, breakwaters, bridges, and dams, in navigable waters wholly within the territorial limits of a State which may interfere to a limited extent with navigation, but not without assent of the State. (*Cummings* v. *Chicago* (188 U. S. 410).)

The statement of Mr. McCall, together with other propaganda to influence Congress in the enactment of legislation is not for the purpose of "depriving the States of title to underwater land," as you say in your letter, but the propaganda is designed to free the States bordering upon the oceans and the Gulf of Mexico from interference by the United States in the exploitation of the oil resources under those waters.

We have been importuned before the attorney general of California and others to join with them in the litigation involving the so-called Tidelands case and in sponsoring legislation in Congress to confirm title in the States to submerged lands, but we have always refrained from participating in these activities in the firm belief that the title to tidelands and submerged lands in the Great Lakes, as well as the right to reclaim such lands by authority of the States and Congress or the Secretary of War, is not in jeopardy by the Tidelands case.

As to the filtration plant in Lake Michigan, we secured power by State legislation to reclaim submerged land for water-purification plants by amendment to section 49–11 of the Revised Cities and Villages Act (Laws of Illinois 1949, p. 568) and by the terms of that amendment the absolute title in fee simple to the land so reclaimed will become vested in the city of Chicago. We do not anticipate any great difficulty in securing a permit from the Secretary of the Army for such reasonable obstruction to navigation, in the public

interest, affecting only the port of Chicago and, if necessary, the Congress can authorize the erection of a filtration plant in Lake Michigan. (*Wisconsin* v. *Illinois* (278 U. S. 367; 73 L. ed. 426, 432).) However authority or consent from the United States may be obtained, it will create no problem for prospective investors in revenue bonds which may be issued by the city of Chicago for the improvement of its waterworks system since the bonds will not be a lien upon the property but will be payable solely from revenues of the waterworks system.

We appreciate receipt of your communication for our consideration, but, as you will note from this, we have given this subject considerable study for a number of years.

Very truly yours,

J. F. GROSSMAN,
Special Assistant Corporation Counsel.

Mr. Chairman, I dislike criticizing a high official of one of our great States, but his no holds barred tactics leave no alternative. The title of the State to submerged land on the lake shore of Chicago was established in the Illinois Central Railroad case, which was considered and distinguished in the so-called Tidelands cases of California, Texas, and Louisiana. The title to the "Gold Coast" on the near north side of Chicago was confirmed in riparian owners in the case of *The People* v. *Kirk* (162 III, 138), and the title of the State of Illinois and dominion over lands covered by Lake Michigan along the north shore through Lincoln Park was confirmed in the case of *Revell* v. *The People* (177 III, 468).

In the Kirk case, the Illinois Supreme Court quoted the following language from the opinion of the United States Supreme Court in the Illinois Central case:

> We hold that the same doctrine as to the dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies which obtains at the common law as to the dominion and sovereignty over and ownership of lands under tidewaters on the borders of the sea, and that the lands are held by the same right in the one case as in the other and subject to the same trusts and limitations.

Mr. Chairman, the rule that applies to the State of Illinois is applicable to the ownership by other States of their inland waters. That is why the actions of those who are pushing this bill in conjuring up bogey men should be exposed for what they are—deliberate attempts to deceive the people of 45 States to give away all their right, and interest in the Federally owned oil.

Mr. Chairman, this bill is spawned and saturated in deception and delusion. Justice for all the people of this country demands its defeat.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. LONG].

Mr. LONG. Mr. Chairman, the United States Government now owns 24 percent of all the land in our mainland. This does not include the Indian reservations.

Besides owning all of this land, our Uncle Sam apparently is bent upon going into this landlord business on a wholehog basis. Only one other government in the world is a larger landholder. That is Red Russia, which owns or controls all of the land in that Communist country where private ownership is forbidden.

Less than 25 years ago the United States Government owned 33 percent of all the land in 11 Western States. Today it owns 54 percent of it. This land pays no taxes for the support of our schools, colleges, universities, highways, and other public improvements of local and State governments.

Now, after acquiring ownership of one-quarter of this Nation's soil and a staggering number of dwelling units, the United States is trying to reach out to sea and lay claim to ownership of those areas off the shores of some of our States. The United States seeks to grab the oil and gas in these offshore areas. Who knows when this grab will be extended to fisheries, port and dock rights, beach facilities, and each and every other use related to our coastal waters?

Whither are we drifting?

Where is all of this to end?

It is a serious, a very critical situation. It constitutes a dire threat to our American system of government. What is to happen to private ownership and development under this new system? Where does it leave free enterprise which is the heart and soul of our American capitalistic system?

It is bad enough that Uncle Sam has gone into the land and housing business in a wholesale way. He at least presumably has a sound and marketable title to these possesions. In the case of the tidelands, he seeks to acquire additional possessions without any just claim to title.

I admit that the United States has paramount power and dominion over navigation, commerce, war activities, and so forth, but this does not bestow title to the soil and resources in navigable waters upon the United States nor does it destroy title, whether in States or in private owners.

Title of all States in the American Union to the soil and all resources in their navigable waters is supported by the Declaration of Independence, the Treaty of Independence with the British Crown, entered into in 1783, and several United States Supreme Court decisions.

I do not believe that anyone will dispute the proposition that if the United States does not have title to the submerged lands beneath navigable waters within the respective State boundaries, it is not entitled to them or whatever they may produce.

If we are to intelligently discuss the question of title to these submerged lands, we must look back to the original source of such title. This would, of course, stem back to the time when the original States became free and independent sovereign States under the Declaration of Independence on July 4, 1776. Then, we find that the next link in the States' chain of title to these lands was developed by the provisional treaty which was entered into by and between the original States through the Congress of the Confederation and the British Crown on November 30, 1782, in which we find the following provision:

> Article 1. His Britannic Majesty acknowledges the said United States, viz, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the Government, proprietary, and territorial rights of the same, and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz:
>
> "Article 2. * * * East by a line to be drawn along * * * the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within 20 leagues of any part of the shores of the United States."

This provisional treaty was ratified by the definitive treaty on April 11, 1783, between the original States through the Congress of the Confederation of the United States.

Therefore, by both the Declaration of Independence and the treaty with the British Crown which followed the Revolution, the Original Thirteen States were free and independent sovereign States, to whom the British Crown had relinquished not only all claims to the Government, but also all proprietary and territorial rights of the same.

For the next 6 years, or until the United States Constitution was written in the 1787 Convention and ratified, finally, in 1789, the original States functioned under Articles of Confederation, article IX of which provided that:

> No State shall be deprived of territory for the benefit of the United States.

In *Harcourt* v. *Gaillord* (12 Wheat. 523 (1827)), the United States Supreme Court held:

> There was no territory within the United States that was claimed in any other right than that of some one of the Confederate States; therefore, there could be no acquisition of territory made by the United States distinct from or independent of some one of the States.

When the Constitution was written by the 1787 Convention of Delegates from the original States, they were very careful to provide that the blood-bought right of government and their proprietary and territorial rights confirmed by the treaty with the British Crown in 1783, was made the supreme law of the land by a specific provision in the United States Constitution, which the people of the original States ratified finally in 1789.

Article VI, clause 2 of the United States Constitution, provides:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

In this connection, it should be pointed out that on Saturday, August 25, 1787, on motion of Mr. Madison, made in the Convention, article VIII—later made article VI by the Committee on Style and Revision—was reconsidered and, after the words "all treaties made," were inserted the words "or which shall be made," with the explanatory statement:

This insertion was meant to obviate all doubt concerning the force of treaties pre-existing, by making the words "all treaties made" to refer to them, as the words concerned would refer to future treaties (69th Cong., 1st sess., H. Doc. No. 398, at p. 618).

So it is that the 1783 Treaty of the Revolution by which the British Crown relinquished to the original States all "proprietary and territorial rights," of the British Crown became, and is now, the supreme law of the land.

The same article VI of the Constitution requires all Members of Congress, and State legislatures, and all executive and judicial officers, both of the United States and of the several States, to support this Constitution, which makes said treaty the supreme law of the land.

The Supreme Court of the United States has, on more than one occasion, interpreted and confirmed the proprietary rights thus acquired by the original States in all of the submerged lands within their boundaries. This will be clearly seen by a reading of the decision by the United States Supreme Court in the case of *Martin* v. *Waddell* cited as 16 Peters (41 U. S. 367) and also *McCready* v. *Virginia* (94 U. S. 391), both very old cases.

In the McCready case the Supreme Court had this to say:

The principle has long been settled in this Court, that each State owns the beds of all tidewaters within its jurisdiction, unless they have been granted away. In like manner, the States own the tidewaters themselves, and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. Citing *Martin* v. *Waddell* (1842), supra. The title thus held is subject to the paramount right of navigation, the regulation of which in respect to foreign and interstate commerce has been granted to the United States. There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the State. * * * The right which the people of the State thus acquire comes not from their citizenship alone, but from their citizenship and property combined. It is, in fact, a property right, and not a mere privilege or immunity of citizenship.

THE TITLE OF NEW STATES

The title of new States admitted into the American Union since the adoption of the Constitution, to their submerged lands was recognized by our Supreme Court in 1945. In that year the Court in *Pollard* v. *Hagan* (3 How. 212), had this to say:

"By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States, respectively; secondly, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States."

In this and many other cases, the United States Supreme Court has held over a period of many years that the various American States have owned their tidelands.

You might wonder—and for that matter, so do I—why the successor to this same Court in 1947 and again in 1950 upset the settled and accepted law of the land in the now famous California, Texas, and Louisiana tidelands cases. Apparently without rhyme or reason was this radical departure made from the sound and well-reasoned doctrine laid down by the jurisprudence and settled law of the land.

It can only be explained by the unfortunate trend in recent years toward a paternalistic, a centralized government.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, this legislation should be defeated because it would give three States resources which belong to all the people.

One of the reasons why the give-away legislation has not been more vigorously opposed in the past has been that most people have not appreciated the tremendous value of the oil and gas resources on the Continental Shelf. In fact, some supporters of the legislation have displayed an understandable interest in underestimating the great wealth that would be given away under their proposals—or in obscuring it behind a smokescreen of complicated legal disputation.

We are therefore presenting herewith some of the official figures prepared by the Department of the Interior.

Even these figures, however, are probably underestimates. The geologists who prepared them are traditionally conservative in their calculations. Their figures are minimum estimates. Further exploration and development will probably indicate that the offshore mineral resources of the Continental Shelf are still greater.

Also, the value of these resources is usually expressed in terms of current prices. The probability is that the price for both oil and gas will rise in the future—as it has in the past—and that the dollar value of these assets will therefore increase over the years.

First. Oil: The estimated potential reserves of our offshore oil resources in the Continental Shelf lying seaward of the coasts of California, Louisiana, and Texas is a little more than 15 billion barrels.

This figure can be compared with the 33.7 billion barrels of proved reserves for the upland area within the United States as a whole. It is 45 percent of the estimated proved reserves.

Both these estimates are set forth in the table entitled "Estimated Proved and Potential Petroleum Reserves," prepared by the Department of the Interior.

The table also shows the distribution of these reserves.

It can be seen that 9 billion barrels—three-fifths of the total for the Continental Shelf—are on the Continental Shelf off the shores of Texas. Louisiana comes next with 4 billion barrels, and California next with a little more than 2 billion barrels.

It can also be noted that in the case of California a slightly greater portion of the potential oil reserves in the Continental Shelf is found within than is found outside the 3-mile limit. In the case of Texas and Louisiana, the greater bulk is thought to be outside the 3-mile limit.

A special breakdown is provided for Texas, which claims an historical boundary of 3 leagues—9 nautical or 10½ statute miles—in the Gulf of Mexico. Only 400 million barrels—less than 5 percent of the Texas total of 9 billion barrels—is within the 3-mile limit. The 3-league limit includes a total of 1.2 billion barrels—thus tripling the amount found within the 3-mile limit. The largest proportion—7.8 billion barrels—is outside the "historical limit" of 3 leagues.

The table also indicates that only an extremely small portion of these reserves is as yet proved. The reason for this is that the campaign for "give-away" legislation has again and again held up congressional action on legislation to expedite exploration and development under the auspices of the Federal Government.

It should also be kept in mind that there are probably vast oil reserves in the Continental Shelf off the coast of Alaska. The total area of the shelf off Alaska is estimated to contain 600,000 square miles, more than twice the 290,000 square miles in the Continental Shelf off the United States itself. An estimate of the United States Geological Survey, based upon the studies of L. G. Weeks for the American Association of Geologists, suggested that in the case of Alaska "the reserve estimate would be 23.6 billion barrels." This would bring the total estimate up from 15 billion barrels to 38.6 billion barrels.

The total dollar value of the oil reserves (excluding Alaska) can be shown as follows:

	Billion barrels
Landward 3-mile line	1.75
Seaward 3-mile line	13.25
Total	15.0
	Billion $ (rounded)
Landward 3-mile line	4.6
Seaward 3-mile line	34.6
Total	39.2

This tabulation is based on the conservative assumption of $2.65 per barrel. Thus, the total value of the potential oil reserves within the 3-mile limit comes to almost $5 billion. The total value outside the 3-mile limit comes to almost $35 billion.

An estimated 800 million barrels of potential reserves are to be found outside the 3-mile limit, but inside the so-called 3-league "historical boundary" of Texas. These reserves may be estimated as worth over $2 billion.

All in all, the total value of the 15 billion barrels of oil is worth just about $40 billion. This $40 billion figure is equivalent to the total Federal revenues from individuals and corporation taxes in fiscal 1951. It is greater than total budget expenditures for military services in fiscal 1952. It is almost one-fourth of the total current assets of American corporations, as reported by the Securities and Exchange Commission.

Even so, this $40 billion figure is an underestimate because it is based upon the current price of oil. No allowance is made for the normal increase in oil prices.

In a report entitled "Submerged Oil and Education" of February 20, 1953, the Public Affairs Institute makes the following estimate concerning the future price of oil:

A probable average price for the oil over the next 20 years is $4.50 a barrel. The price

of petroleum has been increasing at the rate of 7 percent annually. With the moderate estimate of 15 billion barrels the gross income would total $76,500,000,000.

In support of this estimate, it can be pointed out that over the 12-year period from 1940 to January 1953, the index of petroleum and petroleum products prices went from 50 to 117.4—an increase at the rate of 7 percent annually. If, under the pressure of increased demand, prices were to increase at the same rate anually, the price would be $4.50 within 8 years. On this assumption, the 15 billion barrels would be worth $76,500,000,000.

But these estimates do not include the 23,600,000,000 barrels of oil which are estimated to lie in the Continental Shelf off the coast of Alaska. As indicated earlier, when Alaskan reserves are included, the total estimate rises from 15 billion barrels to 38,600,000,000 barrels. At the current prices, the total offshore potential reserves would thus be worth not $40 billion, but over $102 billion.

This figure, of course, is based upon the current price. If it is assumed, however, that the price for oil over the next 20 years will average $4.50 a barrel, as estimated by the Public Affairs Institute, then the total value of the offshore oil resources, including Alaska, will amount to over $173 billion.

It should also be kept in mind that the estimates supplied by the Department of Interior are extremely conservative. Oil company experts who operate close to the scene have often come forth with what are probably much more realistic estimates. Thus a group of 18 Texas geologists and registered engineers have estimated potential oil reserves off the coast of Texas of 11 billion barrels, as contrasted with the 9 billion barrels estimated by the Department of the Interior—see Appendix for full report of Texas geologists and engineers.

Second. Gas; the estimated potential reserves of gas in the offshore lands as shown in the table entitled "Estimated Proved and Potential Petroleum Reserves," is 68,500,000,000,000 cubic feet. This is more than one-third of the proved reserves of 196,000,000,000,000 cubic feet within the land area of the United States.

The table also shows the distribution of these reserves. As with oil, the largest amount is off the coast of Texas and the smallest amount off the coast of California.

The dollar value of gas is extremely difficult to estimate. Prices vary from as low as 7 cents per 1,000 cubic feet to 25 cents per 1,000 cubic feet. Among the factors determining the price are the accessibility of the gas reserves and the extent to which the flow of gas from these reserves can be controlled.

For the purpose of simplicity, these gas reserves might be priced at an average of 15 cents per 1,000 cubic feet—the same price figure which is used in the report of the Texas geologists and engineers. This would bring the total value of the potential gas reserves in the Continental Shelf to a little more than $10 billion.

Third. Other minerals: There is no reason to believe that oil and gas are the only mineral resources in the offshore lands.

Geologists have already found sulfur in the offshore lands off the coast of Texas. The October 1952 report of the Texas geologists and engineers estimates 120 million long tons of sulfur at a price of $25 per long ton. The sulfur reserves alone would be worth more than $3 billion.

As the offshore resources are developed during the coming years, it is highly likely that other valuable minerals will also be discovered in sizable quantities.

Fourth. Potential revenues: As already indicated, the value of oil and gas resources in the offshore area can be estimated at $40 billion and $10 billion, respectively—or a total of $50 billion.

If royalties are estimated at 12½ percent, the potential revenues from these $50 billion worth of assets will be $6.25 billion.

This sum is practically equivalent to the total annual interest paid each year on the national debt.

A breakdown of these revenues is as follows:

	Estimated value	*Estimated royalties*
Landward 3-mile line	$8,000,000,000	$1,000,000,000
Seaward 3-mile line	42,000,000,000	5,250,000,000
Total	50,000,000,000	6,250,000,000

These estimates, however, are extremely conservative. They do not take into account the value of either Alaskan reserves or sulfur reserves. They assume prices no higher than the present prices. Moreover, they do not take into account the estimates contained in the October 1952 report of the Texas geologists and engineers.

A summary of the Texas report appeared in the Houston Post of Sunday, October 26, 1952. According to this group of experts:

> The submerged lands off the shore of Texas are reported to hold gas, oil, and sulfur worth an estimated $80 billion.

The names of the experts who prepared this $80 billion estimate for Texas alone appear in the Appendix.

The inclusion of any of these additional considerations would add substantially to the $6.25 billion estimate of royalties. The inclusion of all these considerations would bring estimated royalties well above $20 billion.

Fifth. Revenues already accrued: Even though the development of offshore resources has thus far proceeded at a snail's pace, substantial revenues have already accrued since the Supreme Court upheld the rights of the Federal Government in the submerged lands of the Continental Shelf.

For example, the offshore oil deposits along the California coast have produced revenues aggregating more than $47.3 million since the case against California was decided favorably to the United States in 1947.

The revenues derived from the Continental Shelf lands off Louisiana and Texas have aggregated approximately $15 million and half a million, respectively, since the cases against Louisiana and Texas were decided in 1950.

Thus, a grand total of approximately $62.8 million, derived from the submerged lands of the Continental Shelf, is awaiting disposition at the present time.

Mr. CELLER. Mr. Chairman, I yield 16 minutes to the gentleman from Kentucky [Mr. PERKINS].

LET'S RING THE SCHOOL BELLS AND NOT GIVE AWAY OFFSHORE RESOURCES

Mr. PERKINS. Mr. Chairman, soon after Congress convened, I introduced House Joint Resolution 89 which provides that the royalties from certain oil and gas properties under the open sea located off the coast of California, and under the Gulf of Mexico, off the coasts of Texas and Louisiana, extending from the low-water mark seaward shall be expended for a better educational program in all the 48 States. One of our greatest national problems today is in the field of education.

At the outset, I wish to state that I am wholeheartedly against H. R. 4198, which purports to set forth as its purpose to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources, and the resources of the outer Continental Shelf.

No legislation could have been more skillfully drawn to deceive its true purpose. The sole effect of H. R. 4198 is to nullify the decisions of the Supreme Court in the Texas, Louisiana, and California cases, and thereby attempt to give away to those States this valuable property that belongs to all the people in this country. The questions of tidelands oil is not involved, because it is conceded that the tidelands oil belongs to the States. The United States Supreme Court has continuously held to that theory, and no one disputes those rulings. That is, the lands along the seashore which are covered at high tide and exposed at low tide. The property involved here is from the low-water mark extending seaward.

We should not undertake to give away an asset, to a few States that border on the ocean, which belongs to the people of all the 48 States, notwithstanding all the window dressing and all the other superfluous statements in H. R. 4198.

I cannot think of any more appropriate way to spend the royalties from the offshore oil than for school purposes. In Kentucky today teachers' salaries range from $736 to $5,100. Our trained teachers are continuously leaving the profession. In addition to our underpaid teachers' problem and lack of facilities for our schools, it has been estimated that we need to spend more than $157 million alone for new construction in Kentucky. This must be done if we are to relieve overcrowded conditions and properly house the anticipated increased enrollments and replace obsolete buildings.

The seriousness of our educational problem was called to the attention of this Nation by Commissioner Earl J. McGrath of the United States Office of Education when he recently announced some of the results of a nationwide survey of

school building needs and the States' abilities to provide for them. The survey found among other things that there is a present need for an additional 708 million square feet of school building space for more than 9,250,000 pupils in public elementary and secondary schools. This is equivalent to more than 325,000 instruction rooms and related facilities, and the estimated cost is $10,700,000,000. Mind you, that would not, if provided, do more than relieve present overcrowding and replace obsolete facilities. That much space is needed only to replace the 170,000 classrooms that are obsolete and provide 155,000 new classrooms.

Even though through some miracle this vast number of classrooms should spring into existence, the space problem alone would be solved only for this year. That would make no provision for the future. The estimates of 1952–53 elementary and secondary school enrollment show a total of 27,533,054 pupils. Data developed in the survey indicate a public-school enrollment of more than 31 million in 1956 and a million more by 1958.

Where are these youngsters going to go to school? If every State and local school district exhausted its current legal resources through bond issues and whatever other means are currently available, the survey finds that only $5,800,000,000 could be raised. It is certain that this problem will become more and more critical year by year.

The survey I refer to definitely shows that financing practices will have to be improved and new and substantial resources for public-school construction will have to be tapped to make up the deficit of $4.9 billion to meet the minimum standards of safety for our present school systems. Additional funds will be needed to provide for the millions of new pupils we know we will have in the years ahead.

The physical needs for classrooms and buildings of course are only one aspect of the pressing problems our schools are facing and will face. I think we are all at least aware of the pressing needs for more teachers for our youngsters. These teachers are entitled to at least a living wage and the thousands of new teachers needed now and in the future mean even more funds must be found.

This is a national problem. Even those States with the most satisfactory facilities are in serious difficulties. Even there the building shortage is severe and will grow worse. All of our State and local school authorities are doing their utmost to cope with the problem. During the fiscal year 1952 the Office of Education, under the controlled materials plan of the Defense Production Act, issued permits and allocated materials supporting educational construction valued at $1,878,000,000 under a system of priority second only to defense needs. An estimated total of 49,500 elementary and secondary classrooms were completed during the year. However, this fell short by 6,500 classrooms of taking care of the actual increase of school enrollment—1,691,000 pupils—that took place within a year's time.

It is obvious that something else must be done if the children of our Nation are to have the advantages of even the basic education which Americans have traditionally considered their birthright.

Federal aid to education antedates the Constitution. I know that some Members of Congress do not want to admit it, but Federal aid to our schools has always been with us. Looking back over the records of this Congress, you will find that this body has continuously set aside public lands for this purpose as new States were admitted to the Union.

In more recent years, the Congress has enacted such beneficial legislation as the Smith-Hughes Act and the George-Barden Act, and other vocational educational enactments which directly benefited our public schools.

Even if it were true, as some contend that the Founding Fathers intended education to be a State and local responsibility, there would still be the necessity for the Federal Government to contribute to the support of the public schools today. The Nation is no longer composed of self-contained and relatively independent communities as it was in the time of our forefathers. Quite the contrary.

Today our communities are so interdependent that the welfare of the whole Nation is affected by the educational attainment of the people in every locality. Furthermore, the birth rate in this country, in general, is highest in those areas where economic conditions are poorest and educational levels are lowest.

We all know that it is a part of our American system nowadays for hundreds of thousands of people to migrate annually from those areas to other localities. The migrants take with them the results of their relatively poor schooling. It is to the interest of all that the Federal Government step in and help solve our educational problem, for it is the only agency in a position to do so.

Here at hand today is a new possible source of funds for our schools. We are considering now whether the so-called tidelands, or more exactly the submerged lands offshore, should belong to the States or to the United States. We know that essential elements of our modern civilization are to be found there, oil and natural gas. Conservative estimates tell us that the Continental Shelf adjoining our Nation's shorelines contain 15 billion barrels of oil and 68 trillion cubic feet of natural gas. Other estimates go much higher.

Royalties, rents, and bonuses to be derived from development and exploitation of these vast resources will constitute many billions of dollars. I am hopeful that these royalties will be devoted to the needs of the Nation's schools as a whole instead of giving them away to three States. If the entire income from this source could be thus directed, the bells of our schools would assuredly ring out loud and clear for many years to come.

Mr. Chairman, I sincerely hope that we will be able to do something for the schools by earmarking these royalties for educational purposes. Many of us have made pledges in the field of balancing the budget, eliminating waste, cutting taxes, making every contribution possible to ending the Korean conflict, fighting corruption, cutting nonessential Government spending, extending social security, replacing slums, combating inflation, promoting education, and promoting the welfare of agriculture.

I have commenced to wonder myself just how many of our pledges may be redeemed in the event we are successful in nullifying the Supreme Court decision and give away valuable property rights; which in all probability may easily defray our governmental operating expenses for 1 or more years, including all the money we are now spending to maintain our Army, Navy, and Air Force, the entire defense setup, and foreign aid.

The people of this country may rest assured that there will be no budget-balancing, in my opinion, if we continue to legislate against the national interest of all the people in this country. I am fearful that we are going to cripple our entire national-defense setup as long as we are confronted with world conditions as they exist today.

I cannot think of a more horrible thing from the standpoint of national defense than for us to set aside an order transferring a Nation's offshore oil deposits from the Interior to the Navy as a petroleum reserve.

As has been stated thousands of times, oil is the lifeblood of the Navy. I stated before a House committee hearing on this legislation that "the national defense of this country today from the standpoint of national interest would not permit any such gift to anyone."

I am still hopeful that this Committee will concern itself with the real issue, that we intend to keep the oil and decide how to use it best for the national interest. I have always felt that the royalties could be better used for school purposes, and to take effect at the moment the submerged lands of the Continental Shelf are withdrawn from their present status of a naval petroleum reserve.

It is to assure that the coming generations will benefit as a whole from the development of these resources that I approach the present problem of ownership, use, and income from submerged lands with a view to the maximum benefit to the schools.

The importance of oil to the United States cannot be overestimated. Without it a large proportion of American civilization would grind to a teeth-chattering halt. With access to an ample, nearby source the Nation can maintain its leadership in the world, it can make ready its defenses against any who may challenge its way of life. Through strength the Nation can bulwark the cause of democracy throughout the world. So much depends on this vital substance and yet we have discovered alarmingly that the United States is a net importer of oil. We are now dependent upon oil from distant lands to meet our daily needs and to fuel our defense effort.

Should world war III come, how long could we depend upon these sources from which tankers must travel thousands of miles through seas which would shortly become submarine infested? In an all out war effort modern day military needs

for oil and its products skyrocket, and we could find ourselves in a most critical situation. The net result would be that we would have to turn right around and buy back at most handsome prices something that we had already given away, if the proponents of H. R. 4198 are successful in their efforts; that is, if we had access to it at all.

There is only one answer to this question, and that is to hold on to our submerged lands and not give them away. H. R. 4198 should be defeated.

In the event this legislation is defeated, the Interior or Navy Department, I am sure, will go ahead and develop these resources. It has been estimated that under proper governmental supervision, daily production from offshore facilities within 5 years of intensive effort, could increase production to some 200,000 barrels of oil and 600 to 800 million cubic feet of gas daily. The National Petroleum Council anticipates that after that period of development, new discoveries resulting from intensive exploration will accelerate increased production at a greater rate.

The decision given in the California case clearly states that the Federal Government has paramount rights in and over the marginal belt, and incident thereto has full dominion over the resources of the soil under that water area. This, of course, included oil and gas.

To me, that is clear enough. The question has been ruled upon specifically three times, as stated above, and the decision has been the same in each instance.

We should end this controversy by defeating this give-away legislation and earmarking the funds for educational purposes to take effect when this property is withdrawn from its present status as a national petroleum reserve.

All of the States admitted to the Union since the original 13 have been admitted with the provision that they were admitted on an equal footing with those first 13. At the time the Nation was established the then Thirteen Colonies were the property of the Crown. They had no existence as international entities. All of the properties, rights, and prerogatives of a nation so far as they were concerned were possessed by the Crown of England.

Historically, any right of sovereignty has been established in international law by national action. The Thirteen Original States did not exist as a nation and assert the sovereign rights and powers of nations on their own part. It seems clear to me that the sovereign power of the National Government arises inevitably from its duty and power to regulate commerce, conduct foreign affairs, and provide for the national defense.

A state or province has no standing in international law. No nation can claim more of the open sea than what other nations concede to it. The Constitution states that the Federal Government is to conduct foreign affairs, and since this question of ownership of the marginal seas is one of foreign relations, there can be no doubt that it is one for the Federal Government.

For States to lay claim to the marginal sea even beyond the generally recognized 3-mile limit is dangerous. It would force the United States to abandon its traditional position held ever since Thomas Jefferson first asserted it in 1793 when he was Secretary of State.

I read in the Washington Evening Star the other day where the United States was protesting the seizure of American shrimp fishermen 10 miles off its coast by Mexico, who claimed the violation of its territorial waters. The Navy has long advocated the 3-mile limit. This is important in that the Navy is charged with the defense of our territorial waters.

It seems that under proposed legislation the Congress is asked to give up the right of the Federal Government, and thus those of all of the people in the Nation, to the resources of the submerged lands. We are asked to deliver them to three States. Resources that are vital to the national defense and the welfare of all the people. I say this should not be, that we should not give away this valuable property.

To those who are concerned with the rights of enterprises which are already active in the offshore areas, I believe all will agree that under whatever final disposition their equitable rights will be protected.

In conclusion on this point it may be stated, and evidence will substantiate the contention, that sovereignty over and title to the subsoil of the seabed under the maritime belt—the 3-mile limit—are vested in the littoral state by international law. It may further be stated beyond possible contravention that the United States, not the original and subsequently admitted coastal States, is the sovereign in which this land is vested. It cannot be claimed that the States reserved the sovereignty and title to this land because the States were never vested with them.

In the case of Texas, admission on an equal footing with the other States, despite its previous existence as a nation, certainly implies that it gave up any such rights upon becoming a State. The most-often-cited cases in support of the claims of the States to this land are not precedents for the simple reason they were not decided with respect to land or parties on a comparable basis. Sovereignty and title to these lands are directly connected with international relations and therefore are vested exclusively in the United States. The outward, seaward boundary of the United States need not be the same as the borders of the States contiguous to the sea.

This does not mean, however, that the States give up the rights to police such waters in regard to fishing, the criminal codes, and the like, nor does it imply in any way any claim or right to the inland waters within the States.

Mr. Chairman, it is of the utmost importance that we defeat H. R. 4198 and enact a substitute which earmarks these royalties for educational purposes. We must aid our schools in order that the school bells will continue to ring out throughout the Nation. As the Liberty Bell heralded the beginning of our great Nation, let the rising volume of the school bells, made possible by the proceeds from these great oil and gas resources, be heard throughout the world. Their ringing will be a tocsin of the new era of freedom.

Mr. Chairman, I wish to compliment the gentleman from Illinois [Mr. YATES] on his splendid analysis of the legislation before us. It is true that the tidelands, inland waterways, and Great Lakes are not any subject of this controversy. As a camouflage, the interested States would like for us to believe that the inland waterways were endangered by the decisions of the Supreme Court in the Texas, Louisiana, and California cases. But such is not the case. The Supreme Court clearly held that the tidelands and all inland waterways were the property of the respective States.

I have not been able to find out during the entire discussion today, from the proponents of this legislation, from what source the Thirteen Original Colonies obtained title to the marginal-sea area and I would like to know if the gentleman from California [Mr. HILLINGS] can give me the answer to that question.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from California.

Mr. HILLINGS. I would like to answer the question by reading a paragraph from the report of the California Senate interim committee on tidelands which I believe sheds some light on the question:

> So firmly entrenched was this doctrine of ownership and control of the marginal seas by the time American colonization began that the colonial charters given by the King contained specific grants of wide belts of territorial waters. The colonists accepted this as a natural part of their local prerogatives. They utilized the submerged land in the same way they utilized the dry land of the North American Continent.

By the treaty of 1783 with Great Britain which ended the Revolutionary War, it was a provision of that treaty by which the Americans would have title and control of the lands under the marginal sea.

Mr. PERKINS. The gentleman well knows that the treaty with Great Britain was made by the Colonies united as a nation. Is that statement correct or not?

Mr. GRAHAM. The Constitution of the United States was not adopted until 1787.

Mr. PERKINS. Even before the Constitution was adopted, on July 4, 1776, when the Thirteen Colonies declared their independence from England, they did it as a united nation and not as 13 separate, individual colonies.

In answer to the gentleman from California, may I say that I have before me the United States Reports wherein the California case is reported. Page 31, volume 332, states:

> It stresses that the Thirteen Original Colonies did not own the marginal belt; that the Federal Government did not seriously assert its increasingly greater rights in this area until after the formation of the Union; that it has not bestowed any of these rights upon the States, but has retained them as appurtenances of national sovereignty.

And further:

> From all the wealth of material supplies, however, we cannot say that the Thirteen Original Colonies separately acquired ownership to the 3-mile belt or the soil under it.

And over on the next page:

At the time this country won its independence from England there was no settled international custom or understanding among nations that each nation owned a 3-mile water belt along its borders. Some countries, notably England, Spain, and Portugal, had, from time to time, made sweeping claims to a right of dominion over wide expanses of ocean. And controversies had arisen among nations about rights to fish in prescribed areas. But when this Nation was formed, the idea of a 3-mile belt over which a littoral nation could exercise rights of ownership was but a nebulous suggestion. Neither the English charters granted to this Nation's settlers, nor the treaty of peace with England, nor any other document to which we have been referred, showed a purpose to set apart a 3-mile ocean belt for colonial or State ownership.

Does it make sense, therefore, to undertake to make a quitclaim title by this Congress to property that the States never did own? That is the point I have in my mind.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. WILSON of Texas. Admitting for the purpose of argument what the gentleman has said, what would that have to do with the position of the States that came into the Union after that? Are you arguing that because the Thirteen Original States had no 3-mile belt, all other contracts made by the constitutional body, the Congress, constituting treaties, would have no effect?

Mr. PERKINS. I will say to the gentleman that I will treat your case separately; but if you know of any claim that the Thirteen Original Colonies had to the marginal sea extending 3 miles seaward from low water mark I wish you would explain it to this Committee. You do not contend that they had any such claim then?

Mr. WILSON of Texas. The gentleman answers my question by asking me one. You answer my question first.

Mr. PERKINS. I agree that Texas does have some color of claim, but Texas was admitted to the Union by a resolution of this Congress and she was admitted under the equal footing clause of the Constitution of the United States. She surrendered her ports and harbors and the appurtenances pertaining thereto, and other properties essential for defense. Naturally this included any paramount rights and dominion over the marginal sea or Continental Shelf.

Mr. WILSON of Texas. Such as post offices and other public buildings.

Mr. PERKINS. That is right.

Mr. WILSON of Texas. But they retained their public domain.

Mr. PERKINS. And anything incidental to the defense of Texas.

Mr. WILSON of Texas. But they retained their public domain and public lands.

Mr. PERKINS. That is right, but the public lands and public domain did not include submerged land under the Gulf of Mexico out from the low-water mark extending seaward from the State of Texas.

Mr. WILSON of Texas. Only 3 leagues.

Mr. PERKINS. Well, that is where she surrendered the 3 leagues when Texas was admitted to the Union on an equal footing with the other States.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New Jersey.

Mr. RODINO. I was trying to make an observation a while ago, that one of the former Members of this House, the late Samuel Hobbs, who was one of the finest constitutional authorities every to sit in this body and a scholar on this question of submerged lands, in his statement to the Committee on the Judiciary stated that there is no case or respectable authority that asserts fee simple title to the 3-mile limit or beyond outwardly.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. Briefly.

Mr. WILSON of Texas. What claim does the Federal Government make as against the Thirteen Colonies? You are talking about what rights the States have. The States retained all rights that they did not give the Federal Government. Now what claim does the Federal Government make to that 3-mile belt?

Mr. PERKINS. The Federal Government has always had the responsibility of defending the Union and to regulate commerce, and, naturally, these things entail certain national responsibilities which make it necessary that our National Government have the paramount right and dominion over the marginal sea.

Mr. WILSON of Texas. This bill gives them those rights.

Mr. PERKINS. And the Federal Government, since the days of Jefferson, and before the days of Jefferson, has asserted and acquired national dominion and control over the marginal sea. And, because of the asserted right of the Federal Government over this area, it has always been the duty of the Federal Government to defend the area, and I have never heard that questioned. In fact, the duty is placed upon our Government by the Constitution to maintain our national defenses, which has always been accepted as the marginal sea. No State has ever questioned that duty and responsibility of our Government. Any claim that may obstruct our Government in being able to properly maintain our defenses over this area, certainly is junior and inferior to the paramount rights of the National Government, and would have to be struck down when the National Government asserts its superior right.

Mr. WILSON of Texas. I insist that this bill protects the Federal Government's rights to control commerce and to use that territory up to the high-water mark for national defense or any other Federal purpose.

Mr. PERKINS. I do not think so. This bill undertakes to do something that would destroy in all probability the sovereign rights of the Federal Government if the courts were to uphold it. This bill authorizes the States to tax property far beyond the marginal sea limit, extending seaward, perhaps out some two or three hundred miles or farther, where oil or gas is extracted from the submerged lands beneath the ocean hundreds of miles out from the coast of Texas, for example. This just does not make sense, it is subsurd, and I do not believe the membership of the House will pass any bill with a provision like that in it. No one can tell what repercussions may result from a provision like this in the bill. We all know such a provision is unwarranted.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. McCARTHY. I think as they continue to extend these claims they may run into a paper line of demarcation, and maybe the Portuguese and the Spanish and all the rest of them have a right to this submerged and marginal land.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. I would like to ask the gentleman with reference to national defense. The gentleman says in effect that the United States owns that 3-mile belt because it had to have it for national defense. As I conceive the obligation of the United States Government for national defense, it is to defend the country, whether it be the marginal sea or dry land; I think it has the same obligation. I am going to ask the gentleman if we do not have the same obligation on dry land that we have in these marginal seas, and is there anything in the law or the Constitution or anywhere else that would give the United States title to dry land which it is obligated to defend any more than the marginal sea?

Mr. PERKINS. Certainly we have the right and duty to defend the dry lands, but the gentleman well knows that the States are not equipped to defend this Nation off the coast on the sea. If I used the word "title," perhaps I should modify that statement and use the words "paramount rights and dominion over," the words that the Supreme Court uses.

The gentleman from California [Mr. HILLINGS] made a statement that this would do no harm to the national defense. I challenge that statement. I think it would do great harm, much greater harm than if we were to convey the Teapot Dome properties out in Wyoming back to the State or undertake to give them away to someone else, because today we import oil, we no longer export oil. When the Government set this up as a naval petroleum reserve, and we undertake to remove this property from its reserve status, we are interfering with national defense, and we do not know about the necessities that will face us in the future.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from California.

Mr. HILLINGS. By way of clarification, as I recall my remarks, I said I felt it would not only not harm the United States if we allow the State to develop the natural resources within their historic boundaries but it might even benefit the national-defense program in view of the fine record of the States in World War II in the development of those areas.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. FEIGHAN. With reference to the national defense and national security, we need the oil; we will agree to that. However, if we give that oil away we will be damaging our national security and national defense to this extent: The Federal Government will have to be paying and paying and paying for that oil which belongs to it. In other words, it will cost the Government billions of dollars for that oil, which the Supreme Court says is theirs.

Mr. YATES. If the gentleman will yield, not only would the Federal Government have to pay billions of dollars for it but it would have to pay a severance tax on top of it.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield.

Mr. WILSON of Texas. The gentleman stated a moment ago he just could not understand how a State or local government could be permitted to tax by a a severance tax oil or minerals taken from the public domain. The gentleman is familiar with the Federal Leasing Act with respect to the public domain.

Mr. PERKINS. In a general way, I am familiar with the Federal Leasing Act, but I am familiar with the severance tax laws of several States also.

Mr. WILSON of Texas. Would not this very domain we are talking about, the outer Continental Shelf, become the public domain of the United States if this bill is passed in its present form?

Mr. PERKINS. The Federal Government would have a paramount right to and dominion over any claim of the State of Texas. Naturally, this right would be a superior right to any claim of Texas to develop the mineral resources.

Mr. WILSON of Texas. Would not this territory outside the boundaries of the States become the public domain of the Federal Government?

Mr. PERKINS. Their claim would be much superior to the claim of any State.

Mr. WILSON of Texas. Would it not become the public domain? That is the question.

Mr. PERKINS. I am going to say this: It might become the subject of international controversy, but as between any claim of Texas and the Federal Government, the Federal Government's rights would be paramount, from the standpoint of developing the submerged lands for oil or for any other purpose pertaining to our national defenses.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. If it is not the public domain, who owns the oil there? It has to be the public domain if the United States owns the oil.

Mr. PERKINS. The Federal Government has a paramount right to develop this oil, from a standpoint of national defense. Naturally, this right results from the conduct of foreign affairs, and to regulate commerce, and our duty to provide for the national defense.

Mr. YATES. If the gentleman will yield further, will the gentleman from Louisiana state whether the nation of Mexico owns the Continental Shelf out 9 miles out into the ocean, so that it can prevent our shrimpers from gathering shrimp there?

Mr. WILSON of Texas. I will say this to the gentleman, that if we own the Continental Shelf, if the States own it out to the edge of the Continental Shelf, and the doctrines of the state of Mexico are similar to ours, then the individual states of the state of Mexico would own the land out to the edge of the Continental Shelf.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield.

Mr. CELLER. Is it not true that as a result of our initiating this kind of legislation in an attempt to have bills of this character passed that the cue has been given to South American and other countries to extend their seaward limits clear out to their continental shelves, and if that is going to happen all over the world, one can readily perceive the perturbation and turbulence of mind of the State Department. We are a Maritime power and an able power, and therefore there will be and has been already because of this legislation, or attempted legislation, interference with what we traditionally call freedom of the seas.

Mr. PERKINS. The gentleman from New York is exactly right. This bill undertakes at best to divest our Government of rights that the Department of State now will not assert.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield.

Mr. FEIGHAN. I think it would be advisable to bring to the attention of the membership, in view of the statements that have been made by some of the Members, that these various States have been claiming for years title or ownership to these submerged lands extending seaward from the low-water mark. That may or may not be true, that some people have made claims. However, the Supreme Court in the California case decided and said very definitely that for the first time this question as to who owns the submerged lands seaward from the low-water mark has come to the Supreme Court and all the arguments were presented to them and they decided that the States never did own or have title to these submerged lands.

Mr. PERKINS. The gentleman is exactly right.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Chairman, at the present time I am not going to use all of my time. I want to extend and revise my remarks at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BROOKS of Louisiana. Mr. Chairman, I want to say just one word with reference to this matter of national defense from a tidelands viewpoint. Just as a practical matter, we held some hearings some time back in reference to the value of these oil reserves, undiscovered and unexplored for that matter up to the present time. We also held some hearings as to the value of them from a national defense viewpoint. Frankly, after holding extensive hearings, I made up my mind that the oil reserves out in the ocean beyond the coastal lines of the United States would be of very little help to us in time of great national peril. In other words, they would be of little value as far as national defense in time of war. We had the experience in the last war of submarines coming right up to the coastline in the State of Louisiana. I was down there and saw a ship which had been sunk in the mouth of the Mississippi River by submarines.

Mr. PERKINS. Mr. Chairman, will the gentleman yield for a question at this point?

Mr. BROOKS of Louisiana. I yield to the gentleman for a question since he yielded to me for a question.

Mr. PERKINS. The gentleman from Louisiana well knows when you have title to anything, you are able to defend that title. That is from the common law on down. That is so under the Louisiana code and throughout all of the States of the Union as well. If we go ahead here and enact this legislation, and if the Supreme Court upheld the act, how could the State of Louisiana defend its own territory in the event of a controversy?

Mr. BROOKS of Louisiana. You mean from the viewpoint of national defense?

Mr. PERKINS. That is right.

Mr. BROOKS of Louisiana. They would defend it just like you would defend Cincinnati or Chicago or any other place in the United States. We would defend it with everything we have. The obligation under the Constitution for the national defense rests primarily upon the Government of the United States; but the States, too, severally join in the national defense. When the gentleman refers to national defense, he knows we give the States hundreds of millions of dollars to aid in national defense.

The State militia which is the National Guard and the Air National Guard are set up under the authority of the States. The States have an obligation of national defense, as well as does the United States.

Mr. PERKINS. I agree that the States have an obligation for national defense, but your State of Louisiana, under that assumed state of facts, would not have any standing among the nations of this world.

Mr. BROOKS of Louisiana. Yes. The United States has the delegated authority, of course, to speak in international matters, for all of the States; but I was referring to the value of oil deposits out in the ocean, for national defense purposes. I say again that after these extensive hearings we had I do not see any force or logic to the argument that you can establish huge oil and gas reserves out in the waters in the open seas at an expense of multiple millions of dollars.

When war comes and a crisis is upon you, the submarines and airplanes do all the damage and destruction they can. How can you get any comfort out of your explosive material such as oil far out in the ocean in an exposed condition, beyond the ability of the National Government to safely defend such explosive deposits? If the gentleman has a ready answer to that question, I will pause to get his answer.

Mr. McCARTHY. I think the answer the gentleman from Kentucky [Mr. PERKINS] would give is that that is a very compelling argument for having the controlling ownership of these properties vested in the Federal Government.

Mr. BROOKS of Louisiana. It is not an argument for Federal control. It is an argument that we ought to develop those deposits and use them in time of peace. But as far as relying upon those deposits in an exposed position, we all know we cannot do it in time of war, with any degree of safety. When we seek a location for an atomic plant or a nitrogen plant, we go to places that can be safely defended, because they are needed in time of great peril. When you develop oil deposits off the coast, out in an open, exposed sea, you cannot expect in time of peril to have those things safely defended. It cannot be done.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. It seems to me that toward the latter stages of the last war we controlled the sea far beyond where these oil deposits might be, and nobody ever dared to attack us.

Mr. BROOKS of Louisiana. Well, just before Germany went under we did; but if the gentleman has had the experience that I have had and some of the other Members have had, he has flown up and down the Atlantic Coast and seen tanker after tanker burning, because it had been torpedoed or bombed and was going down. We lost hundreds and hundreds of millions of dollars worth of oil which was in tankers moving along the coast, and not in a stationary, exposed place as an oil field in the Continental Shelf. We almost lost the last war at one point on account of submarines sinking our shipping. The new Russian submarine is far more efficient and effective.

Mr. EBERHARTER. I will admit all the gentleman says. That was in the early stages of the war, but after we had gone along we completely controlled the territory for more than a couple of hundred miles, and no attack was ever made upon our ships.

Mr. METCALF. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. METCALF. Mr. Chairman, on March 9 every Member of this House received a letter from Mr. Walter R. Johnson, special counsel for the National Association of Attorneys General. Mr. Johnson's letter enclosed a copy of a statement made by Harold R. Fatzer, attorney general of Kansas and president of the National Association of Attorneys General, in his appearance as a witness before the Senate Committee on Interior and Insular Affairs considering measures relating to submerged lands.

In his letter Mr. Johnson said:

> I wish to call to your particular attention the memorandum set forth listing the officials of States and their political subdivisions (47 of the 48 States) favoring State ownership of submerged lands, in hearings held before the committees of Congress from 1938 to 1952. As indicated in the statement of Attorney General Fatzer, not one State official has ever appeared before the committees of Congress advocating Federal control of the lands involved.

I was somewhat surprised that some official of 47 of the 48 States should have favored State ownership of the submerged lands at various times. I turned to the memorandum prepared to take pride in the consistency of the State of Montana as the one State in the 48 that had held out against this attempt by Congress to nullify decisions of the United States Supreme Court and donate lands and mineral rights belonging to the Federal Government and held in trust for all the people of this Nation to the States.

When I located the part of the memorandum relating to Montana, I was amazed to see that Montana was included as one of the States allegedly favoring State ownership of submerged lands and that the official cited in support of that statement was Hon. R. V. Bottomly, former attorney general of Montana. The date given for Bottomly's support of State ownership of these submerged lands was 1945. Bottomly was the only State official or former State official named from Montana who had ever expressed himself in favor of State ownership of submerged lands and the implication was that by such expression Montana and her State officials and her representatives and her people were in favor of pending legislation to turn the submerged lands over to the States.

Now, R. V. Bottomly is one of Montana's most respected officials and best loved public servants. In addition to serving two 4-year terms as attorney general of Montana, for the past 4 years Bottomly has been associate justice of the Montana Supreme Court. During that entire time I, too, had the honor to serve on the Supreme Court of Montana and Judge Bottomly and I have had many talks about the question of the ownership of submerged lands and I know his feelings about this legislation. I know that he vehemently opposes State ownership of the submerged lands, that he firmly believes in the fundamental legality of the Supreme Court's decision in the three cases involving these submerged lands. More than any other person, lawyer or layman, Judge Bottomly in Montana is regarded as an authority on this question and he is everywhere in that area recognized as the leader of the great group of people that believes these oil-rich offshore lands should be used to help education all over the Nation. Senator MURRAY, who was a cosponsor of Senator HILL's bill to use part of the offshore oil royalties for educational purposes, and then Representative MANSFIELD, now junior Senator from Montana, who introduced a counterpart of the Hill amendment in the House of Representatives last session have both called upon Judge Bottomly for technical assistance and advice on this question.

I wrote to Judge Bottomly and asked him if, in 1945, he had advocated State ownership of these offshore lands. Judge Bottomly replied that in 1945, before the decision in the case of *U. S. v. California* (332 U. S. 19, 1947), he joined 45 other attorneys general on a brief in support of the then pending House Joint Resolution 225, 79th Congress. Judge Bottomly says, and I read from his letter:

> I signed this brief on the understanding that the subject matter referred to the tidelands, covered and uncovered by the tidewaters, and included all inland navigable waters as dealt with in the above cited cases.
>
> There has never been any question in my mind but that the States own the tidelands to low water mark and the beds of their navigable waters within their respective borders and all minerals therein; that question has been put to rest many times by our Supreme Court, and that is the only question in my understanding that was covered by the above mentioned brief which I signed, and that was the import that I received from reading the above report of the committee that then had the bill in charge.

Then Judge Bottomly, in his letter to me, continues:

> However, some time thereafter I learned that the true intent of the National Association of Attorneys General was to induce Congress to give to the three States and their assigns, not only the tidelands and the beds of all inland navigable waters but also to the coastal States, the lands and minerals therein on out beyond the tidelands.

After Judge Bottomly, then attorney general, learned of the intentions of the National Association of Attorneys General, he wrote to Walter R. Johnson, then attorney general of Nebraska and president of the association, in 1947. I am reading from Judge Bottomly's file copy of that two-page letter dated November 5, 1947:

> I took no part in regard to the rehearing on the matter (*U. S. v. California*) in the Supreme Court because I felt that the decision of the Supreme Court is for the best interests of the State of Montana and all of the other so-called reclamation States.

Judge Bottomly concludes:

> I therefore thought it was only right and proper that I notify you of my stand in this matter, and, as president of the National Association of Attorneys General, I request that my name not be used in any way, shape, or form in furthering the program which is now under way.

In reply to that letter, Attorney General Walter R. Johnson on December 19, 1947, sent Judge Bottomly a four-page letter starting with the following statement, and I am now reading from the original letter:

> Hon. R. V. BOTTOMLY,
> *Attorney General of Montana,*
> *State Capitol, Helena, Mont.*
>
> DEAR GENERAL BOTTOMLY: Yours is the first letter I have received from a State attorney general in opposition to congressional action recognizing State ownership of submerged lands.

General Johnson concludes:

> I hope you will reconsider your stand and fight with instead of against our sister States.

The Walter R. Johnson who signed this letter as attorney general of Nebraska, and president of the National Association of Attorneys General in 1947 is the same Walter R. Johnson who is the special counsel for the National Association of Attorneys General in 1953 and who signed the letter dated March 9

and addressed to every Member of the House of Representatives of the 83d Congress.

In his letter to me, Judge Bottomly says:

It is my contention that the above notice to the National Association of Attorneys General that my name could not be used in any way, shape, or form in furthering any legislation contrary to my views expressed to their president in my letter of November 5, 1947, and, as far as I know, this is the first time that such an attempt has been made.

I agree with that contention. I do not know how much research Mr. Fatzer made independently before he appeared before the Senate committee. I suspect that he relied on the counsel for the National Association of Attorneys General to do his research for him. But if Mr. Fatzer made his own search of the testimony and records to compile the statistics in the memorandum that accompanies his statement, his research was superficial because a more thorough job would have revealed that R. V. Bottomly had never actually advocated any legislation transferring title of lands lying to seaward of the low tidemark to the States. He would have found that, on the contrary, Judge Bottomly had, as early as 1947, in statements before congressional committees, advocated Federal ownership of these lands and opposed bills giving title to the States.

Therefore, Mr. Fatzer is mistaken when he says that 47 of 48 States are recorded in hearings as in favor of State ownership of submerged lands. He is also mistaken when he declares in the text of his statement:

At the onset I wish to present for the record a resolution adopted by the association at this 46th annual meeting held last December 10, in support of congressional action confirming and restoring State ownership of lands beneath navigable waters within the boundaries of the respective States.

You have incorporated by reference the record of 14 previous hearings on the submerged lands issue which totals 5,506 pages. In those hearings you will find the names of officials of States and their political subdivisions from 47 of the 48 States, all of whom have favored the States in this controversy; not one, let me repeat again, not one, has advocated Federal control. There has been prepared for your use, and which I would like to have incorporated into the record a list of the said officials, arranged alphabetically by State, and after their names, the year or years in which they made their appearance before the committees of Congress by their personal testimony, statement, letter, telegram, or otherwise.

If Mr. Johnson assisted in the preparation of the testimony, he was in a position to know that the statement was not true and he should have, in candor, corrected it.

Since 1936 the State of Montana has had four attorney generals. They are Judge Bottomly who was attorney general for more than 8 years, Harry J. Freebourn who was attorney general for 4 years and is now an Associate Justice of the Montana Supreme Court, John W. Bonner, later Governor of Montana, and the present attorney general is Arnold Olsen, reelected at the last election for a second term. Everyone of these men, all able lawyers, two of them presently serving as justices of the Montana Supreme Court, are in accord with the correctness of the decisions of the United States Supreme Court in the three cases ruling on the title to offshore lands. In their administrative positions as chief law officers for the State of Montana, they affirmatively declared that they believed that the decisions were correct. Judge Freebourn was attorney general before the offshore controversy arose but he has since declared that he believes these offshore lands and the minerals under them should be and remain the property of the Federal Government. John W. Bonner, both as attorney general and later as Governor of Montana, took the same position. So when Mr. Fatzer implies that State officials do not advocate Federal control of these lands he is misleading the Members of this Congress. In fact, the very records he cites contain statements of some of these men that contradict his declaration that "not one, let me repeat, again, not one has advocated Federal control."

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Submerged Lands Act."

Mr. GRAHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CURTIS of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf, directed him to report they had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in connection with the measure under consideration today.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

STORM CLOUDS

The SPEAKER. Under the previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, a Member of Congress is a watchman for the people—particularly the people he has the honor to represent. If, from his position where the people have placed him, storm clouds should be discovered by him, it is his duty to warn the people of them.

STOP, LOOK, LISTEN, AND THINK

It is true that economic conditions in our country today are excellent. Not only are times good, but the outlook for the future appears real good. However, there are certain signs that can probably, I believe, be interpreted to mean, at least, caution, and some of them probably indicate that we should not only stop, look, and listen, but we should stop, look, listen, and think. We should think about what has happened before when the same signs appeared.

MONETARY A SUBTLE WEAPON

Any administration using monetary weapons to control our economy should keep in mind that the real effect of such a weapon is not always noticeable until great devastation has come to our country. It is a subtle weapon—one that cannot be evaluated or measured from day to day but is one that has powerful effects. This weapon can cause good times to be converted into bad times before attracting much notice or attention.

GREAT ANNUAL EVENT

One of the greatest annual events in our country is the increase in population. We must keep that in mind and provide for this increase—not necessarily thinking about the increase the year it actually happens but the year when these new arrivals become old enough to be workers. Every year, about three-quarters of a million new workers expect to secure employment. Our economy must be geared to take care of these new workers. If we just kept our economy dead still or on dead center, the increase in new workers would soon cause so much unemployment that our economy would suffer from a recession and then a depression. This problem becomes more serious with a policy of tight money and high interest rates.

In order to take care of these new workers, our gross national product must be increased 3 or 4 percent each year. This expansion is absolutely necessary in order to take care of the new workers and permit our country to expand and progress.

DEFINITE SIGNS

The signs that are disturbing me—if something is not done to change them—could be steps toward unemployment and recession. These signs are tight money, hard money, high interest rates, production and business loans hard to get, and particularly the disastrous decline in United States Government bonds. A few days ago—to be exact, March 25—I discussed here on this floor what I considered to be the disastrous consequences of the Federal Reserve Board's permitting United States Government bond prices to decline. At that time, long term 2½ percent Government's had declined to 94, but before the end of the week, they had declined another point—to 93.

In that speech, I called attention to the enormous decline in Government securities in Great Britain and endeavored to show a similarity between the actions taken over there the last 16 months and the actions that are now

Mr. DAVIS of Georgia and include extraneous matter.

Mr. ABERNETHY and include a speech by the Governor of Mississippi.

Mr. DIES on the subject "Who Was Right?"

Mr. MATTHEWS.

Mr. PRICE and include extraneous matter.

Mr. MCMILLAN and include a resolution adopted by the State Legislature.

Mr. YORTY in four instances, in each to include extraneous matter.

Mr. HAGEN of California in three instances, in each to include extraneous matter.

Mr. ELLIOTT in three instances, in each to include extraneous matter.

Mr. BOLAND and include a resolution.

Mr. LANE in two instances and to include extraneous matter.

Mr. KELLEY of Pennsylvania and to include certain recommendations.

Mr. RAYBURN and to include a speech made at Dallas, Tex., on March 18 by the Hon. Allen G. Kirk, former Ambassador of the United States to the Soviet Union.

Mr. MCCORMACK in two instances, in one to include a splendid editorial in relation to the fine work being done by our colleague from Massachusetts [Mr. LANE] and in the other to include an article by Governor Stevenson which appeared in yesterday's New York Times magazine section.

Mr. SIKES and to include an address.

Mr. JONAS of North Carolina and to include an article on taxation.

Mr. SIMPSON of Pennsylvania and to include an editorial appearing in the Washington Star of March 15, 1953.

Mr. BUSBEY in reference to a new book entitled "A Century of Conflict, Communist Techniques of World Revolution, 1849–1850," and in the second instance to include a resolution by the anti-subversive committee of the Cook County organization, American Legion.

Mr. BUSBEY and to include an article entitled "Permit Communist Conspirators To be Teachers?" which is estimated by the Public Printer to cost $798.

Mr. HUNTER.

Mr. PATTERSON and to include extraneous matter.

Mr. SMITH of Wisconsin in three instances and to include extraneous matter.

Mr. GATHINGS.

Mr. JONAS of Illinois.

Mr. HOFFMAN of Illinois (at the request of Mr. JONAS of Illinois) and to include extraneous matter.

Mr. WOLVERTON in three instances and to include extraneous matter.

Mr. FORD and to include an article, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $189.

Mr. KEARNEY (at the request of Mr. MACK of Washington) and to include extraneous matter.

Mrs. CHURCH and to include extraneous matter.

Mr. WILLIAMS of Mississippi and to include extraneous matter.

Mr. TEAGUE and to include extraneous matter.

Mr. AYRES.

Mr. VAN ZANDT.

Mr. O'KONSKI in two instances.

Mr. MACK of Illinois in two instances, in each to include extraneous matter.

Mr. MARTIN of Iowa covering a résumé of returns to his questionnaire and including some quotations.

Mr. SIEMINSKI in the Appendix in two instances, in appreciation to the Coast Guard.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CASE (at the request of Mr. HESELTON) on March 30 and 31, on account of illness in family.

ENROLLED JOINT RESOLUTIONS AND BILL SIGNED

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. J. Res. 226. Joint resolution to extend until July 1, 1953, the time limitation upon the effectiveness of certain statutory provisions which but for such time limitation would be in effect until 6 months after the termination of the national emergency proclaimed on December 16, 1950; and

H. J. Res. 229. Joint resolution authorizing the Architect of the Capitol to permit certain temporary construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1229. An act to continue the effectiveness of the Missing Persons Act, as amended and extended, until February 1, 1954.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval joint resolutions of the House of the following titles:

H. J. Res. 226. Joint resolution to extend until July 1, 1953, the time limitation upon the effectiveness of certain statutory provisions which but for such time limitation would be in effect until six months after the termination of the national emergency proclaimed on December 16, 1950; and

H. J. Res. 229. Joint resolution authorizing the Architect of the Capitol to permit certain temporary construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto.

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 31, 1953, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

585. A letter from the General Counsel, Office of the Secretary of Defense, transmitting a draft of legislation entitled "A bill to continue in effect certain appointments as officers and as warrant officers of the Army and of the Air Force"; to the Committee on Armed Services.

586. A letter from the Chairman, Federal Communications Commission, transmitting recommendations for the enactment of legislation amending section 501 of the Communications Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

587. A letter from the Acting Administrator, General Services Administration, transmitting a report on tort claims paid by the General Services Administration during the fiscal years 1951 and 1952, pursuant to title 28, section 2673, of the United States Code; to the Committee on the Judiciary.

588. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain Coast Guard contracts"; to the Committee on the Judiciary.

589. A letter from the Commissioner, Immigration and Naturalization Service, United States Department of Justice, relative to certain cases involving suspension of deportation, and requesting that they be withdrawn from those before the Congress and returned to the jurisdiction of the Department of Justice; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of March 26, 1953, the following bill was reported March 27, 1953:

Mr. REED of Illinois: Committee on the Judiciary. H. R. 4198. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf; without amendment (Rept. No. 215). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII pursuant to the order of the House of March 25, 1953, the following resolution was reported March 27, 1953:

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 193. Resolution for consideration of H. R. 4198, a bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf; without amendment (Rept. No. 216). Referred to the House Calendar.

[*Submitted March 30, 1953*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHORT: Committee on Armed Services. S. 1110. An act to authorize the appointment of a Deputy Director of Central Intelligence; with amendment (Rept. No. 219). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 1551. A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe; with amendment (Rept. No. 220). Referred to the Committee of the Whole House on the State of the Union.

DESIGNING NEW STAR-SPANGLED BANNER

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, recently I read an article in a Washington newspaper that the Government has been deluged with proposed designs for a new Star-Spangled Banner. The reason back of this is, of course, the possibility of Hawaii becoming a full-fledged State.

This article goes on to state that there is no American flag designing body set up by law to make the final decision on a new design. Of course, it will be some time before the new design could be legal as stated in the article.

I have a solution to this problem from a Government standpoint. I am today introducing in the House a bill making the Quartermaster General of the Army responsible for resolving this problem. The reasons for this are: Historically the Quartermaster General has had the responsibility for designing and procuring flags, colors, standards, insignias, badges, medals, seals, decorations, guidons, emblems, ribbons, and similar items used or required by any department, agency, or office of the United States. Under the Quartermaster General of the Army, there is a heraldic branch and within its organization there are employees who are highly skilled in the creation of heraldic design.

The assignment of this responsibility to a single agency will also prevent the duplication of design and the confusion resulting therefrom, and will insure the distinctive character of the emblem, insignia, and other medals used by the various agencies. A centralized record of all identification symbols and awards used by the United States would be made available, and producer of such items would be able to deal with a single agency in all matters relating to the sale and manufacture of them.

The purpose of this bill, which I have today introduced is to provide for the design and procurement of heraldic items for the Federal Government by a single agency. At the present time, there is no fixed responsibility for these functions on a Governmentwide basis. Providing for their assignment to a single office will promote economy in that duplication of effort in the design, preparation of specifications, and research will be eliminated, and a single source of supply for the items will be created. The Office of the Quartermaster General was selected as the agency to carry out this program because it has had, for many years, responsibility for designing and procuring such items for the Department of the Army, and has been given the assignment of procuring and designing them for the Air Force and Navy, and in addition has designed flags and seals for the President and Vice President, members of the Cabinet, and other elements of the executive department. The Quartermaster General has employees who are highly skilled in the creation of heraldic designs.

I sincerely hope that the Congress will quickly act to approve this proposed legislation.

THE CHICAGO POST OFFICE

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, in the Chicago Sun-Times of March 28, 1953, Acting Postmaster V. F. Werner is quoted as denying that there is any rest-room checkout in the Chicago post office. He is further quoted as saying:

> We don't know what O'HARA is talking about.

I sincerely trust that Mr. Werner was not correctly understood by the reporter. I have a letter from Post Office Inspector James T. Nelson under date of March 11, 1953, stating definitely that the job ticket has been in use in the Chicago post office for approximately 9 months. I have too much respect for Mr. Werner to believe that he intended to raise an issue of veracity with the post office inspector for the Assistant Postmaster General. I am sure also that the Acting Postmaster of Chicago did not wish to be put in the position of showing disrespect for the Congress of the United States.

I hope that it is unnecessary for me to defend myself with my colleagues against the charge that I do not know what I am talking about. Nevertheless, to make the record perfectly clear, I am extending my remarks to include a letter from the president and secretary of the Chicago Post Office Clerks Union No. 1. The letter follows:

EDITOR, CHICAGO SUN-TIMES,
Chicago, Ill.

DEAR SIR: In your Saturday edition two star final there appeared a news item headlined "Postal woes relieved," in which the postmaster of Chicago denied the complaint made by Congressman O'HARA in the CONGRESSIONAL RECORD opposed to toilet recordings now being practiced on the eighth floor Chicago post office. The undersigned have submitted to Congressman O'HARA the following statement:

"In regard to the statement of Postmaster Vincent F. Werner appearing in the Chicago Sun-Times that Congressman BARRATT O'HARA doesn't know what he is talking about in regard to toilet recordings in the Chicago post office let it be understood that the Congressman knows what he is talking about and further that the postmaster has rebutted by evasion.

"From the outset it should be understood that positively, absolutely, and most assuredly a toilet checkout prevails on the eighth floor main post office. The recordings are made by supervisors or their assistants. There can be no denial.

"Congressman O'HARA is dependent upon his information concerning the post office from postal employees. He has received many letters from clerks condemning the practice of recording toilet departure and return on the eighth floor, Chicago post office. The public insult to the Congressman for championing human rights is a disgrace and regrettable.

"The denial of the problem, the failure to admit that an experiment is going on by a local postal official and yet acknowledged by a departmental official in Washington is amusing, and as contradictory as the left hand not knowing what the right hand is doing."

Sincerely yours,
GEORGE J. WACHOWSKI, *President.*
WILLIAM FREEMAN, *Secretary.*

Mr. Speaker, I may add that I am continuing the fight to end for all time in the Federal offices this abominable practice of forcing the Federal workers to check in and out of rest rooms. Despite all that is said, the practice is well on its way to being forced upon all Federal workers. Unless my colleagues in the Congress join me in protest it will not be long until the Chicago experiment has fixed the practice upon all the Federal offices.

I received a telephone call just before coming into the House that the practice has already been established in one of the Federal offices here in Washington. I have not had time to verify the complaint, and for that reason I am at this time withholding the name of the Federal department. I will not do a possible injustice by saying anything on this floor until I have completely verified my information. When I have verified any complaint that I receive as to the installation of this practice in any Federal office I certainly shall not stop short of making public from this well the verified information.

From Leon Dorf, 1879 Crotona Avenue, Bronx, N. Y., I have received the following letter:

> DEAR SIR: Being a retired postal clerk I was very much interested in your remarks concerning the practice of placing a check on the amount of time a postal employee in Chicago can spend in the rest rooms.
>
> This same system was put into effect in the general post office in New York City about 10 years ago, all employees being forced to inform their supervisors when leaving their posts of duty, and when returning to same. No employee was allowed to be in the restroom for more than a total of 20 minutes during the entire day.
>
> However this system lasted only a few weeks due to the tremendous protest of the employee's organizations.

SUBMERGED LANDS BILL

Mr. REED of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within States boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 4198, with Mr. CURTIS of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read section 1 of the bill. If there are no amendments to section 1, the Clerk will read.

Mr. FEIGHAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FEIGHAN: Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. All moneys received under the provisions of this act shall be held in a special account in the Treasury during the present national emergency and until Congress shall otherwise provide, except as otherwise provided in section 8 of this act. The moneys in such special account shall be used only for such urgent developments essential to the national defense and national security as the Congress may determine and thereafter shall be used exclusively as grants-in-aid of primary, secondary, and higher education.

"SEC. 2. The National Advisory Council on Grants-in-Aid of Education is hereby created to be composed of 12 persons with experience in the field of education and public administration, 4 to be appointed by the President of the Senate, 4 by the Speaker of the House of Representatives, and 4 by the President of the United States. It shall be the function of such Council to draw up and report to the President of the United States for submission to the Congress not later than February 1, 1955, a plan for the equitable allocation of the grants-in-aid of primary, secondary, and higher education provided for in the first section of this act.

"SEC. 3. It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant, or leases or grants, covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1953, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of such lease or grant, since January 1, 1940, and the Attorney General shall submit the statements so received to the Congress not later than February 1, 1954.

"SEC. 4. (a) The provisions of this section shall apply to all mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State): *Provided*, That—

"(1) such lease, or a true copy thereof, shall have been filed with the Secretary by the lessee or his duly authorized agent within 90 days from the effective date of this act, or within such further period or periods as may be fixed from time to time by the Secretary;

"(2) such lease was issued (i) prior to December 21, 1948, and was on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it, or (ii) with the approval of the Secretary and was on the effective date of this act in force and effect in accordance with its terms and provisions and the law of the State issuing it;

"(3) within the time specified in paragraph (1) of this subsection, there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction and stating that the lease was in force and effect as required by the provisions of paragraph (2) of this subsection or (ii) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents from which the Secretary shall determine whether such lease was so in force and effect;

"(4) except as otherwise provided in section 6 of this act, all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this act, which have not been paid in accordance with the provisions thereof, and all rents, royalties, and other sums payable under such a lease after the effective date of this act shall be paid to the Secretary, who shall deposit them in a special fund in the Treasury to be disposed of as provided in the first section of this act;

"(5) the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this act;

"(6) such lease was not obtained by fraud or misrepresentation;

"(7) such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

"(8) such lease provides for a royalty to the lessor of not less than 12½ per centum in amount or value of the production saved, removed, or sold under such lease: *Provided, however*, That if the lease provides for a lesser royalty, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

"(9) such lease will terminate within a period of not more than 5 years from the effective date of this act in the absence of production or operations for drilling: *Provided, however*, That if the lease provides for a longer period, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the reduction of such period, so that it will not exceed the maximum period herein specified; and

"(10) the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other requirements as the Secretary may deem to be reasonable and necessary to protect the interests of the United States.

"(b) Any person holding a mineral lease which comes within the provisions of subsection (a) of this section, as determined by the Secretary, may continue to maintain such lease, and may conduct operations thereunder, in accordance with its provisions for the full term thereof and of any extension, renewal or replacement authorized therein or heretofore authorized by the law of the State issuing such lease. A negative determination under this subsection may be made by the Secretary only after giving to the holder of the lease notice and an opportunity to be heard.

"(c) With respect to any mineral lease that is within the scope of subsection (a) of this section, the Secretary shall exercise such powers of supervision and control as may be vested in the lessor by law or the terms and provisions of the lease.

"(d) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this act.

"SEC. 5. The Secretary is authorized, with the approval of the Attorney General of the United States and upon the application of any lessor or lessee of a mineral lease issued by or under the authority of a State, its political subdivision or grantee, on tidelands or submerged lands beneath navigable inland waters within the boundaries of such State, to certify that the United States does not claim any interest in such lands or in the mineral deposits within them. The authority granted in this section shall not apply to rights of the United States in lands (a) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (b) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (c) which the United States lawfully holds under the law of the State in which the lands are situated; or (d) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians.

"SEC. 6. In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 4 of this act, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the States, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy: *Provided, however*, That the authorization contained in this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this act. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with paragraph (4) of subsection (a) of section 4 of this act. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged land of the Continental Shelf, the lessee, if he has not already done so, shall comply with the requirements of subsection (a) of section 4, and thereupon the provisions of subsection (b) of section 4 shall govern such lease.

"SEC. 7. (a) The Secretary is authorized to grant to the qualified persons offering the highest bonuses on a basis of competitive bidding oil and gas leases on submerged lands of the Continental Shelf which are not covered by leases within the scope of subsection (a) of section 4 of this act.

"(b) A lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

"(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as provided in the first section of this act.

"(d) The issuance of any lease by the Secretary pursuant to this section, or the refusal of the Secretary to certify that the United States does not claim any interest in any submerged lands pursuant to section 5 of this act, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is submerged land beneath navigable inland waters.

"SEC. 8. (a) Thirty-seven and one-half percent of all moneys received as bonus payments, rents, royalties, and other sums payable with respect to operations in submerged coastal lands lying within the seaward boundary of any State shall be paid by the Secretary of the Treasury to such State within 90 days after the expiration of each fiscal year.

"(b) The provisions of this section shall not apply to moneys received and held pursuant to any stipulation or agreement referred to in section 6 of this act pending the

settlement or adjudication of the controversy.

"(c) If and whenever the United States shall take and receive in kind all or any part of the royalty under a lease maintained or issued under the provisions of this act and covering submerged coastal lands lying within the seaward boundary of any State, the value of such royalty so taken in kind shall, for the purpose of subsection (a) of this section, be deemed to be the prevailing market price thereof at the time and place of production, and there shall be paid to the State entitled thereto 37½ percent of the value of such royalty.

"SEC. 9. The Secretary is authorized to issue such regulations as he may deem to be necessary or advisable in performing his functions under this act.

"SEC. 10. (a) The President may, from time to time, withdraw from disposition any of the unleased lands of the Continental Shelf and reserve them for the use of the United States in the interest of national security.

"(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of the oil and gas produced from the submerged lands covered by this act.

"(c) All leases issued under this act, and leases, the maintenance and operation of which are authorized under this act, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon the recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President after the effective date of this act, to suspend operations under, or to terminate any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended or whose lease is thus terminated.

"SEC. 11. Nothing herein contained shall affect such rights, if any, as may have been acquired under any law of the United States by any person on lands subject to this act and such rights, if any, shall be governed by the law in effect at the time they may have been acquired. Nothing herein contained is intended or shall be construed as a finding, interpretation or construction by the Congress that the law under which such rights may be claimed in fact applies to the lands subject to this act or authorizes or compels the granting of such rights of such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything herein contained.

"SEC. 12. When used in this act, (a) the term 'submerged lands of the Continental Shelf' means the lands (including the oil, gas, and other minerals therein) underlying the sea and situated outside the ordinary low-water mark on the coast of the United States and outside the inland waters and extending seaward to the outer edge of the Continental Shelf; (b) the term 'seaward boundary of a State' shall mean a line 3 miles distant from the points at which the paramount rights of the Federal Government in the submerged lands begin; (c) the term 'mineral lease' means any form of authorization for the exploration, development, or production of oil, gas, or other minerals; (d) the term 'tidelands' means lands regularly covered and uncovered by the flow and ebb of the tides; and (e) the term 'Secretary' means the Secretary of the Interior."

Mr. FEIGHAN (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, inasmuch as this is merely the provision of my House Joint Resolution 126, which I am sure is familiar to all Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Chairman, the discussion in yesterday's general debate clearly showed that the Supreme Court in the offshore submerged land cases in California, Texas, and Louisiana decided that the States off whose shores mineral deposits may be found have no title thereto or property interest therein. Further, the court held that the United States has paramount rights and full dominion of the land in the marginal belt. The constitutional question was raised whether Congress can, under article 4, appropriate or give away these submerged lands.

If all we are dealing with is a mere fee simple title, there is no question that the Congress can dispose of it without consideration. If, on the other hand, the United States holds its interest in the bed of the marginal seas, as an attribute of national sovereignty, it is subject to the possible argument that it is an inseparable attribute of national sovereignty. If this is so, then a quitclaim might be unconstitutional. H. R. 4198 has two provisions. First, the quitclaim of these submerged lands to the States: and secondly, if the quitclaim is unconstitutional, a delegation of authority to the States to take the mineral deposits from these lands and to appropriate them for their own use. This authority is given to the States over that portion of the submerged lands that extend from the low water mark seaward to the so-called historic boundaries. There is a further provision that permits any State legislature to extend its boundaries to the extent of 3 miles. There is a further provision that if the State legislatures extend their boundaries further than 3 miles or their so-called historic boundaries, and if the Congress subsequently approves such extension by the States, that the States will have control over the submerged lands to the extent of their outward and seaward boundaries possibly to the end of the continental shelf. There is a further provision that beyond the historic boundaries the State will have police powers and the right to levy a severance tax on the mineral deposits taken from the submerged lands.

My amendment provides that the royalties from mineral leases covering the submerged lands of the Continental Shelf shall be used for grants-in-aid of education and national defense.

My amendment is applicable only to the areas outside of inland waters, that is, to submerged areas outside of inland waters and beyond the tideland strip.

The Supreme Court has ruled three times that the submerged coastal lands beyond the low-tide mark and extending seaward belong to the people of the United States as a whole.

Geologists estimate that the oil under these seas is worth more than $40 billion. By earmarking these offshore submerged land oil royalties for educational grants-in-aid to the States, Congress has the magnificent opportunity of securing our first line of defense—the education and training of our citizens, and to do it without any cost to the taxpayers.

Under the terms of this amendment, the individual State would get 37½ percent of the royalties that the Federal Government receives for the oil produced off the shores of that State within the 3-mile limit. In addition, such State would share equally with all other States on a pro rata basis in the remaining 62½ percent of the royalties obtained by the Federal Government. This appears to me to be very generous treatment to California, Louisiana, and Texas, as well as to any other State off whose shores mineral deposits may be produced. Beyond the 3-mile limit, the Federal Government would have complete jurisdiction and control of all operations and it would receive all royalties.

(By unanimous consent, Mr. FEIGHAN was allowed to proceed for 5 additional minutes.)

Mr. FEIGHAN. To donate to coastal States this great public treasure which belongs to all the 48 States, this rich public heritage which the Supreme Court has three times decided belongs to all the people of the United States, in my opinion, would constitute an abdication of what I regard to be the responsibility of the Congress in regard to the matter.

I believe that Members of Congress should give thoughtful consideration to this matter before they vote to deprive their constituents and their State of their proportionate share of this national heritage.

My amendment also provides for proper conservation of these rich oil-bearing deposits in the interest of our national security.

We all realize that the Supreme Court has indicated that the Congress should take action with reference to these submerged lands in order to correct inequities that have arisen because of those who have accepted leases and have begun drilling operations under the mistaken assumption that their lessors owned the submerged lands. Moreover, Congress should authorize further development of the oil and gas deposits in these submerged lands.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Kentucky.

Mr. PERKINS. The proposals the gentleman is offering here are identical, I believe, with the Hill proposal that was offered on the Senate side last year?

Mr. FEIGHAN. Yes, fundamentally it is identical, with just a few minor variations.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Louisiana.

Mr. WILLIS. As I understand, the gentleman's substitute would not recognize the title of the States within historic boundaries in accordance with titles I and II of the Graham bill?

Mr. FEIGHAN. My amendment would recognize complete dominion, as the Supreme Court stated, in the Federal Government from the low-water mark seaward to the end of the Continental Shelf. The answer, of course, is "No."

Mr. PERKINS. Mr. Chairman, I wish to take this opportunity to compliment the gentleman from Ohio [Mr. FEIGHAN] for his wonderful presentation of the

argument involved here. I want to go on record supporting his amendment. I believe there is precedent for giving the adjacent States, as the gentleman proposes by his amendment, 37½ percent. Am I correct in that statement?

Mr. FEIGHAN. Yes; 37½ percent of the royalties have been allocated to the States. An allocation in this amount follows the practice of the Federal Minerals Leasing Act which was enacted in 1920, under the terms of which the States that have public Federal lands in their States get 37½ percent of the deposits on such public lands. States adjacent to the open seas have police powers and responsibilities out to the 3-mile limit, which is recognized as the international boundary.

It is my hope that in the interest of preserving to this country what the Supreme Court has said belongs to it, you will support this amendment.

Mr. WILLIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this proposed substitute has been before the House in one form or another two or three times before. The substitute amendment in essence would affirm the decisions of the Supreme Court in the California, Louisiana, and Texas cases. That is the heart and the nub of this substitute. In other words, it would vest in the United States the paramount power and dominion, whatever those terms may mean to all of the submerged lands from shore out to the edge of the Continental Shelf. As a matter of fact, the proposal would constitute more than affirmance of the Supreme Court decisions because the Supreme Court in the Texas, Louisiana, and California cases only was dealing with that area within State boundaries and was not specifically dealing with the area to the end of the Continental Shelf. I know in the Louisiana case, there was presented the act of Louisiana at one time enlarging the boundaries, but I still hold to what I say that there was not before the Supreme Court a general discussion of all of the area to the end of the Continental Shelf.

There is a provision in this bill which makes it slightly different from the ones we acted upon before. Last time this measure was before us, the gentleman from New York [Mr. CELLER] had a substitute for the bill then pending which would do the same thing as the Feighan proposal would do, namely, vest the jurisdiction in the Federal Government. That proposal was, of course, overwhelmingly defeated. Now there is a new provision in the Feighan proposal, added I suppose to make it a little more tasteful to some, and that is the Federal aid to education feature. I say to my friend, it does not embarrass me at all to rise in opposition to his substitute even with provision in it for this reason—he will have an opportunity later on to carry out the question of Federal aid to education because there was before the Judiciary Committee in the committee print, a provision impounding these revenues pending a calm and careful consideration as to what should be done in the matter. If the gentleman will support that proposal, why it would preserve his rights to contend for a fair share for education. And I myself would like to have dispassionate hearings on that feature of the proposal. But without more on the subject, I simply say to you that this is a repetition of the move of those who always have been against States rights, that is to say the rights of the States to these tidelands. We have had these proposals before. We have always defeated them. With us, it is not a question of dollars or of oil, but it is a question of principle. As the gentleman from Massachusetts said yesterday that he would not yield an inch of the territory of Massachusetts, I know that we in Louisiana, Texas, and California have the same attitude on the matter.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. FEIGHAN. With reference to the gentleman's latest remarks about those who are against States rights, you do not think for a moment that the Supreme Court in its decision was anti-States rights, do you?

Mr. WILLIS. Why, I know exactly what the Supreme Court said. It did not say that the United States had title. It did not say that the United States had ownership. It simply said that the United States has paramount rights. I will concede that the United States has paramount right and power over all facets of our life and property under the Constitution that it is possible to have. It has the power—the paramount power to call my son and yours to the Army, perhaps to be shot and killed. We do not deny that, and those paramount powers are preserved in this bill. The power of navigation, regulation of interstate commerce and all constitutional powers are adequately preserved in the Graham bill.

Mr. Chairman, I hope the proposal will be defeated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILLINGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I concur in the remarks just advanced by the gentleman from Louisiana. I am completely opposed to this amendment. The amendment is virtually opposite of legislation that has come out of the committee; it is completely at the opposite ends of the position taken by the President of the United States in his stand favoring restoration of State ownership of the submerged lands out to the historical boundaries. I hope the amendment will be defeated.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. HILLINGS. I yield.

Mr. YATES. The gentleman has just stated that this bill is in accordance with the position of the President of the United States in permitting title to the States up to their historical boundaries.

Mr. HILLINGS. That is correct.

Mr. YATES. As a matter of fact, does not the bill go beyond that and give to the States not only what they conceive to be their historical boundaries, but also the right to claim the entire Continental Shelf if they want to? And I refer the gentleman's attention to page 9 of the bill, lines 7 to 19, inclusive.

Mr. HILLINGS. The gentleman is in error in his interpretation of the bill. It does not give the States authority to go beyond their historical boundaries and claim anything they desire. Technically, I suppose, anybody can claim anything. If I understand the gentleman's reference to the particular section correctly, all it provides is that the States at some later date may be able to extend their boundaries if the Congress of the United States should approve, but no State by action of its legislature or by any action of the State itself can go beyond the historical boundaries without approval by the Congress of the United States.

Mr. YATES. Mr. Chairman, will the gentleman yield for the purpose of permitting me to read the section to which I referred?

Mr. HILLINGS. I do not yield any further; I believe I have answered the question.

Mr. WILSON of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in answer to the question of the gentleman from Ohio directed to the gentleman from Indiana with regard to the Supreme Court decision being opposed to States' rights, I would say that it is not a shining light as a States rights document.

The amendment offered, as stated by the gentleman from Louisiana [Mr. WILLIS], is the same amendment or substitute that has been offered in this body and in the Senate repeatedly. It seeks to eradicate the principle for which we fight, and that is the historical State boundaries of the various coastal and Great Lakes States, and appropriate all of that large territory of 290,000 square miles to the Federal Government. It throws a sop out to the coastal and Great Lakes States by providing that they shall receive 37½ percent of the revenues. We are not of course interested in 37½ percent of the revenue under this proposal; we are interested primarily in the principle of restoring to the States, not giving to the States, but restoring to the States their historical boundary that has been recognized for a century and a half by many Supreme Court decisions and by all textbook writers, by 47 out of 48 of the various State attorneys general and by various State officials and by all those who have written on the subject up until the question was raised by Secretary Ickes along about 1938.

Mr. PERKINS. Mr. Chairman, will the gentleman yield at this point?

Mr. WILSON of Texas. Not at this time.

Mr. Chairman, this bill provides, and I am sure for the purpose of catching votes, that at least part of this money will be given to Federal aid to education. This money, of course, when it comes to the public under the present bill in title 3 would go into the general revenues of the Treasury. If Congress decides to appropriate money for education or for various reasons it can do so, but certainly no money and no fund dealt with in this bill should be denominated in the bill as Federal-aid-to-education money or for any other purpose. The general Treasury needs funds about as badly as does any other department of the Government or as does any State; so we think this proposed substitute should be voted

down because it is entirely a new approach to this situation and has been voted down repeatedly by this House and by the Senate.

Mr. THOMPSON of Louisiana. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. THOMPSON of Louisiana. Mr. Chairman, question as to ownership of submerged marginal lands has been discussed both in committee and on this floor to the fullest extent, both in this and previous sessions of the Congress. While I feel that every point of equity or law has been covered I must impart to you the feelings of the people whom I represent in Louisiana. For decades no question ever arose as to the Federal Government's claim to tidelands and submerged lands to the historic boundaries and it does not seem reasonable to me that the finding of valuable mineral deposits should suddenly change the policy of the United States Government. The Federal Government at one time refused to negotiate leases off the coast of California because the then Secretary of Interior stated that this is a matter for the State to handle. Previous legislation has been passed in the House of Representatives and the Senate granting ownership to the States, only to be vetoed, thereby reversing the action of the representatives of the people of all of our States. The Supreme Court did not declare the title to these lands were vested in the Federal Government, but merely mentioned that the Government had paramount rights in these areas.

I do want to commend my colleague, the Honorable EDWIN WILLIS, who is on the Judiciary Committee, for his untiring efforts in the matter of tidelands legislation. Certainly I know of no one who is better acquainted with the facts than he and his work has certainly been a reflection of his great ability and genuine interest in his representation of our people.

The House Judiciary Committee approved by a 14 to 7 vote a bill which gave States complete control to their historic boundaries. This august group, displaying a completely independent and judicious attitude, included in the bill provisions to tax oil pumped from submerged lands seaward to those boundaries and to also give the States police authority from the historic boundaries to the edge of the Continental Shelf. This committee also approved of language in the bill determining disposition of funds from the areas out from the historic boundaries, and while some language in this regard appears in the printed bill it apparently is not the full language which had appeared in the committee print.

It seems to me now that because of statements of policy some of the members of the committee are reluctant to support their previous position in these regards in the committee. I cannot quite understand this reversal and strongly urge that this House finally determine the case of ownership of these lands in an equitable manner which will not deprive our people of Louisiana of what is rightfully theirs.

As to taxation on production outside of the historic boundaries, I ask in fairness how else can the State of Louisiana receive recompense for the damage done to its highways by heavy equipment rolling through our State in the development of those areas? How else can Louisiana meet the cost of educating children of workers who are sent there? Those will be responsibilities of the State and I know of no other way to support the costs that will be involved. The very nature of our coastal areas require stupendous sums in the construction of highways and it is not at all infrequent that millions of dollars must be spent for construction and maintenance of bridges on very short stretches of highway because of the numerous streams which must be crossed to enter the coastal area, and in taxing the products of these areas the tax would not be levied against the Federal Government but against the individual companies who will be engaged in the development of oil products. Louisiana has done a marvelous job in the handling of leases for development of these areas. No scandal has ever been suggested in our methods of negotiating leases on a bid basis, with every applicant being allowed an equal chance. Many of the major oil companies, as well as some independent operators, have congratulated our State mineral board on the fairness with which they have conducted their business in these instances.

If the submerged lands beyond the historic boundaries of the States become public domain, then, certainly, the taxing power of the States in which this public domain is located should be the same as on other public domains. The Federal Leasing Act which applies to the domains in the Western States provides that States in which these domains are located will have the rights and privileges of levying and collecting taxes on improvements, the output of mines, or other rights or assets of any lessee of the United States.

As to the position that the United States Government must own these submerged lands for purposes of defense, I wonder if the ownership status of the Great Lakes would require a change in the event of an enemy attack through Canada from the north? Our coastal areas can just as well be defended regardless of whether these lands are under the title of the individual States or the Federal Government, which in my opinion is really an agent of the federation of States. I am alarmed at the apparent thinking from some sources that that situation has reversed, making the States agents of that all-powerful creation which is the Federal Government. We in Louisiana will always defend the sovereignty of our State.

As to the police power provided in the printed bill, how else could the people engaged in development beyond the historic boundaries be protected under common law? The police power referred to in this bill would only give the protections of the people of civil and criminal law through application of laws of the States in those areas. The Federal Government makes no provisions for such administration.

Throughout Louisiana during the past presidential election signs were erected indicating the solemn pledge of President Eisenhower to restore the title of submerged lands to our State. These signs were not written out in technical completeness but were printed in banner phrases which implied almost exactly what H. R. 4198 proposes. Our people have a right to expect its passage as agreed upon in the Judiciary Committee and certainly will be disappointed if current policy does not support what they understood to be a pledge.

It is my intention to continue to carry the fight for my people in not acquiring, but retaining, what is ours, and if there are sufficient votes in this House in opposition to our claim to what is rightfully ours I can only say that the responsibility will be theirs, not mine.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take the floor at this time to clarify the discussion I had with the gentleman from California [Mr. HILLINGS]. I refer his attention to the language as appears on page 9. I think in context we would have to start with the sentence beginning in line 2, which states:

> Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coastline, or to the international boundary of the United States in the Great Lakes, or any body of water traversed by such boundary.

Now, this is the language to which I refer:

> Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line.

What I think this does immediately is to give the right to a State, Louisiana, for example, which previously by act of its legislature extended its boundaries almost all the way out to the limits of the Continental Shelf, to continue to insist that the Federal Government does not own the Continental Shelf beyond the 3-mile limit. Further than that, in the event that other coastal States have taken similar action, and I do not know whether they have or not, there is thus a loophole which would permit such States to continue to assert that they have paramount rights to the Federal Government in the development of any mineral wealth that exists in the Continental Shelf.

I want to make the further point with reference to the statement the gentleman from California made yesterday; that under the terms of this bill nine-tenths of the land covered by this bill will go to the Federal Government and one-tenth will go to the States. I think that in substance is what the gentleman asserted yesterday. As I read the language on page 9, it does not settle as of this time any of the claims that the States have in and to the Continental Shelf. What this does is to state that the States have title to the submerged

lands for 3 miles seaward at least, and they may go even beyond if they want to assert such a claim. I do not see in this language the statement the gentleman referred to previously in which he said that such claim requires prior approval by the Congress. I do not see anything in the language which I have just read that requires congressional action.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. HILLINGS. I regret that when the gentleman asked his question a minute ago I did not have the bill in front of me. I was referring to another section or another part of the section at the time. The sentence, beginning on line 2, page 9, that the gentleman refers to, states:

> Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coastline—

And so forth. There is a following sentence which refers to that previous sentence. It merely means that any coastal State which has not extended its boundaries 3 miles from the shore may do so. It does not allow any State to go beyond the 3 miles. It merely provides as I have stated. Virtually every State has already taken that action and it is recognized as the historical boundary line. Any State not having extended its boundary may do so. No State could so extend its boundary beyond the 3 miles.

Mr. YATES. Is it the intention of the committee that the language appearing between lines 7 and 19 on page 9 means only that which the gentleman from California has just stated, that none of the Gulf States may go beyond the 3-mile limit, and may not proceed to claim any portion of the Continental Shelf beyond their so-called historical boundaries?

Mr. HILLINGS. Insofar as that language is concerned, it means just as I have stated, that any State which has not claimed up to 3 miles now may do so.

Mr. YATES. It is the intention of the committee by the passage of this act with that language in it to foreclose any of the States of the Union from making claims beyond the 3-mile limit or their historical boundaries?

Mr. HILLINGS. It is not the intention of the committee to foreclose anybody from making a claim. Anyone can do that. This bill would not prejudice such a claim.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. YATES. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. HALLECK. Mr. Chairman, reserving the right to object, and I am not going to object to this request, it is hoped that we can conclude today the reading of this bill for amendment. If we can comply with the time limit of 5 minutes I am sure everybody will appreciate it.

Mr. YATES. I respect the majority leader's suggestion. The only purpose in asking for an additional 2 minutes is to clear up a most important part of this bill. As I understand the contention of those who favor this bill, and I am not one of them, it is that this is in the nature of a deed which fixes the property rights of the States and of the Government.

Mr. RAYBURN. Mr. Chairman, reserving the right to object, and of course I will not, I was wondering if we could not fix the time, because I, along with the other members of the Texas delegation, have an important luncheon engagement with a constituent of mine, a flier just returned from Korea, who shot down 13 MIG's. We want to have luncheon with him, and if we could fix the time for debate on this matter, it would be a very great accommodation to us.

Mr. HALLECK. Mr. Chairman, further reserving the right to object, does the gentleman from Texas have in mind limiting time on the pending amendment?

Mr. RAYBURN. That is correct.

Mr. HALLECK. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close 5 minutes after the time of the gentleman from Illinois has expired.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, if what the gentleman from California has stated is correct, then I wonder whether he would say whether there is any objection to striking out the language appearing between line 7 and line 19, so that we may fix definitely the boundary lines at the 3-mile limit? What would the gentleman say with respect to that?

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Texas.

Mr. WILSON of Texas. I think the gentleman should read the full paragraph and not take a few lines of the paragraph.

Mr. YATES. Let me say to the gentleman that I have read the full paragraph.

Mr. WILSON of Texas. The first part of section 4 reads:

> The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographical miles distant from its coastline.

The other language in that section provides that any State that has furnished evidence of its historic boundary may bring in evidence to that effect.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. CELLER. I will say that the gentleman is eminently sound in his contention. This language, "Any claim heretofore or hereafter asserted, either by constitutional provision, statute, or otherwise," and so forth, is an engraved invitation to any State to extend its boundary beyond 3 miles. It is very significant that the word "otherwise" is used. What is meant by "otherwise"? It says, "by constitutional provision, statute, or otherwise." That is what we call a "sleeper." That might be some old fishing right; that might be some old resolution that was offered in the legislature. It may be anything. It is a catch-all phrase and it is very dangerous to have such a phrase or such language in legislation of this character.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

OIL FOR EDUCATION

Mr. WIER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WIER. Mr. Chairman, in conformity with the many wires and letters I have received from constituents back home in the Third District of Minnesota, I have no other choice but to vote against the giveaway bill of a great potential and valuable natural resource that nature bestowed to all the American people and not the few who seek personal and selfish gain at the expense of the many.

In the Gulf of Mexico and in the Pacific Ocean are vast deposits of oil under the marginal sea and the Continental Shelf, which in some places in the Gulf extends out as far as 150 miles from shore. The geologists of the United States Department of the Interior and of private oil companies estimate that here are at least 15 billion barrels of oil. At the going price of $2.70 a barrel, which may well increase as the world's oil reserves are depleted, this adds up to over $40 billion.

Many proposals have been put forward for getting rid of these $50 billion. I shall not discuss them except to mention the most fantastic of them all, which for some strange reason is the one most in danger of acceptance. This is the suggestion that the Senators and Representatives from the 48 States disregard the decisions of our highest court and make an outright gift of the bulk of this oil and gas to 3 States, California, Texas, and Louisiana.

The wise and prudent man, when blessed with a sudden and surprising inheritance, thinks first of the security of his family. The American people must think first of the security of their families—which means the security of their country.

In national security our first line of defense is, of course, the military establishment itself. But the second and strongest line of defense is the education and training, the intellectual and scientific competence of our citizens.

I suggest that our present American capacity for organization and production, which is the essential basis of our national security, is largely the direct result of two mighty American inspirations about education. The first of these was the idea of public support for free schools with good educational standards, advocated and fought for by Thomas Jefferson and first implemented in the Commonwealth of Massachusetts by Horace Mann. The second was the policy of dedicating revenues from our public lands to education.

Out of this farsighted and inspired use of a portion of the national domain has arisen a system of great educational institutions upon which the higher education of a great number of Americans depends. No one can estimate what it has meant to the development and progress of the United States. Along with the application of public funds for free education for all at the primary and secondary level, it has contributed vastly to that trained competence in industry, in agriculture, in social organization, upon which our national strength is based; a trained competence, not of a selected few, but of a whole nation.

The proposal embodied in the oil-for-education amendment is entirely in accordance with our continuing national tradition of devoting the proceeds of public lands to the support of education. The adoption of this proposal will be a historic act comparable to the ordinances of 1785 and 1787 and to the Morrill Act of 1862. In fact, the revenues from the oil-for-education idea will probably in the course of time far exceed the sum total of receipts from all previous Federal grants of public lands for educational purposes. Adoption of the proposal will be like dedicating an oil well to the support of each school and college in America.

A GOOD USE FOR OIL MONEY

The concern of the oil companies for States' rights has been sharply evident in the struggle between the Federal Government and some States for control of the tidelands oil fields. But one suspects that their concern is more practical than philosophic. It is evident that they believe their profits would be greater in deals with the States than with the Federal Government.

As Senator LISTER HILL pointed out in Harper's magazine some time ago, it would be unthinkable to deliver this fabulous fortune in oil to three States—California, Louisiana, and Texas. And he proposes a compromise which seems to have much merit: Why not use the oil money to improve the Nation's school system? Certainly no one—with the possible exception of those who stand to profit by other arrangements—would object to such a painless solution to the problem of both schools and tidelands oil.

Mr. IKARD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. IKARD. Mr. Chairman, perhaps no issue to come before this House in recent times has been as widely misunderstood as this legislation dealing with the submerged lands or the so-called tidelands bill. Many have seen fit to beat the drums of prejudice and to charge that this bill is a gigantic giveaway. They have done much to spread the already widely held misconception that this is a sectional matter that affects only 3 or 4 States of the Union and have charged that the other States and the vast majority of the people would have everything to gain and nothing to lose by the taking of these lands by the Federal Government.

In the beginning, let me say that this issue is not a sectional one. It is an issue that involves the fundamental concept of State and private ownership of property, and as such, is a matter in which every man, woman, and child of these United States has a vital stake. It exemplifies the familiar spectacle of the Federal Government usurping more and more of the power of the States. It strikes at the very heart of the historic organization of our Government, and in considering this legislation, we must likewise determine whether the individuals and States that make up this Union have rights in property that are sacred and deserve protection or whether all of our ownership is subject to the whims of an all-powerful Federal Government that might devest us under the ill-conceived theory of paramount rights at any time.

On several occasions during the debate on this bill, the proponents of Federal ownership have asked, "Where is the title to the tidelands now?" or "How can any lawyer defend the title of the States now?" I should like very briefly, as a lawyer, to set forth precisely as I can the defense of Texas to her title and to show that the title to the so-called tidelands is now vested in the State of Texas. In order to do this, I must first ask that we consider this matter with complete disregard of the total prejudicial hogwash that has cluttered the radio, television, and newspapers concerning this issue and that we look at the facts as they exist historically.

In the first place, we must realize that the State of Texas entered the Union as an independent Republic as a result of negotiations with the United States and that during these negotiations the Republic of Texas acted as an independent nation and that the State of Texas was not created by the Federal Government out of territories that it already possessed and owned. After Texas became a Republic, the first Congress of that Republic fixed its limits by an act on December 19, 1836, which, among other things, established its boundaries as follows:

> Beginning at the mouth of the Sabine River and running west along the Gulf of Mexico 3 leagues of land to the mouth of the Rio Grande.

About a year later, President Andrew Jackson said:

> The title of Texas to the territory she claims is identified with her independence.

The first attempt of Texas to come into the Union was not successful. After some preliminary negotiation in 1844, a treaty was prepared and signed by the Republic of Texas and the United States, which provided for the annexation of Texas. In this treaty Texas was to cede to the Union its public land, and the United States was to assume the public debt of Texas. This treaty was sent to the Senate and was defeated by a vote of 36 to 16. If you read the records of that debate, you will see that one of the principal reasons for the defeat of this measure was that it was the consensus of the Senate that Texas public lands were worthless, and more than one Senator expressed the idea during that debate that Texas, if she were to come into the Union, should keep her lands and pay her own debts.

After the defeat of this proposal, there were a series of counter proposals and negotiations continued. Some of the proposals that were made during this period provided that Texas was to cede to the United States its minerals, mines, salt lakes, and springs. None of these proposals were adopted, and on one occasion one of these amendments to a proposal which would have required Texas to give up her mineral rights was defeated in this House. Subsequently, a revised resolution was adopted calling for the annexation of Texas. Thus, it is a historical fact that this very House, immediately prior to Texas's coming into the Union considered and determined that Texas should not cede to the Union her public lands or her minerals. This latter proposal, after being passed by the Congress of the United States, was submitted to and accepted by the Republic of Texas as the basis for its admission into the Union. The resolution passed by the House at that time contained two paragraphs. The first recited that Texas should be admitted into the Union as a State with a Republican form of government adopted by the people of Texas and approved by the Congress of the United States. The second paragraph specified the details of annexation.

The most important of these specific provisions was that Texas was to retain its public debt and was to retain title to all vacant unappropriated lands lying within the boundaries of the Republic of Texas.

Much has been said in the debate here about the fact that Texas came into the Union on equal footing with the other States, and my distinguished colleague from Texas [Mr. WILSON], who has done so much to bring this bill to the floor of the House, has ably answered these arguments, and you will all recall how he pointed out to you that it is a basic legal concept that specific provisions of any agreement or contract control the general provisions. There is no further need for me to discuss that here, but I would like to point out as a further fact that there was nothing in the first two paragraphs of the House resolution which I referred to a moment ago about equal footing with other States. This equal-footing question came into the resolution in the Senate when that body provided by an amendment to the House resolution that the President of the United States was to have the option at his own judgment and discretion to negotiate the annexation of Texas by treaty which would admit Texas into the Union on an equal footing with the other States instead of submitting to the Republic of Texas the proposals of the first and second paragraphs of the resolution as passed by the House. The then President of the United States, John Tyler, chose not to exercise the option given him in the paragraph added in the Senate, but instead, submitted the provisions of the first two paragraphs of the House resolution. This was approved unanimously by the Congress of the Republic of Texas. After the approval by Texas, the people of Texas, in a convention

called to prepare a State constitution to ratify the acceptance by the Texas Congress of the proposal leading to annexation, passed an ordinance of acceptance which stated:

We, the deputies of the people of Texas, do ordain and declare that we assent to and accept the proposals, conditions, and guaranties contained in the first and second sections of the resolution of the Congress of the United States.

On December 19, 1845, President James K. Polk signed a joint resolution of the Congress of the United States which referred to the offer by the United States and the acceptance of the provisions of Texas of the first and second paragraphs of the joint resolution which I have discussed.

So, we see that even though under the Senate amendment the President of the United States could have carried on negotiations to bring Texas into the Union on equal footing with the other States, he did not elect to do so, but rather followed the first two paragraphs of the resolution, and actually the proposal submitted to and ratified by Texas contained no mention of equal footing with other States. One of the specific proposals in the resolution and one that was acted on and relied on in good faith by the people of Texas was that Texas was to retain her public lands within her boundaries, and, as I have previously noted, the boundaries of Texas had been established as three leagues of land along the Gulf of Mexico from the Sabine River to the Rio Grande.

For over 100 years Texas had possession and exercised dominion and control over these lands, and its ownership had been recognized by the United States Government during that period of time. Yesterday several here asked about the recognition of our title, and in reply, I point out that over 50 decisions of the Supreme Court recognize the title of the States in submerged lands and that historically for over 100 years in dealings and transactions between the Federal Government and the State of Texas, the ownership by the State of these lands has been almost daily recognized.

A great deal has been said about the decision of the Supreme Court. Let me say here that as a citizen and as a lawyer, I have a great respect for the Supreme Court, but it is singular that in the so-called Texas tidelands case four members of the Supreme Court ignored the provisions of the annexation of Texas by which we retained our lands and minerals, and in justification of this ruling, these four Justices relied upon the alternate equal footing provision which was never submitted by the President of the United States to the Republic of Texas and was never considered, accepted, or agreed to by the Republic of Texas. It was contained in none of the proposals or negotiations by which Texas finally came into the Union. The equal-footing proposal was, in effect, rejected both by the United States and the Republic of Texas, but the Supreme Court implies that it is controlling. It is also singular that in the Texas tidelands case for the first time in history the Supreme Court refused to allow a State against whom a controversial lawsuit has been filed by the Federal Government to present evidence to support its position. The Supreme Court failed to look at and study the documents upon which Texas bases its title. Now, Mr. Chairman, that is our title based on historic evidence that has not and cannot be contradicted. The deed to the State of Texas is sealed with the blood of those who established our independence by their victory at San Jacinto, and the present citizens of the State of Texas hold a conveyance to these submerged lands from the people of the Texas Republic who established their boundaries at three leagues and entered into a solemn contract with the United States for their admission to the Union.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. FEIGHAN].

The question was taken; and on a division (demanded by Mr. FEIGHAN) there were—ayes 28, noes 82.

Mr. FEIGHAN. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. PERKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS: Strike out all after the enacting clause and substitute in lieu thereof the following: "That (a) those mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any extension, renewal, or replacement thereof heretofore granted pursuant to the terms of such lease or under the laws of such State) shall be continued in force and effect: *Provided*, That—

"(1) such lease, or a true copy thereof, shall have been filed with the Secretary by the lessee or his duly authorized agent within 90 days from the effective date of this act, or within such further period as may be determined by the Secretary;

"(2) such lease (i) was issued prior to December 21, 1948, and was in force and effect in accordance with its terms and provisions and the law of the State issuing it on June 5, 1950, or (ii) was issued with the approval of the Secretary and was in force and effect in accordance with its terms and provisions and the law of the State issuing it on the effective date of this act;

"(3) within 90 days from the effective date of this act, there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction stating that the lease meets the requirements of paragraph (2) of this subsection or (ii), in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents from which the Secretary shall determine whether such lease was so in force and effect;

"(4) except as provided in section 3 of this act all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this act, which have not been paid, and all rents, royalties, and other sums payable under such a lease after the effective date of this act shall be paid to the Secretary, who shall deposit them in a special fund in the Treasury to be disposed of as provided in section 5 of this act;

"(5) the holder of such lease agrees in writing, filed with the Secretary within 90 days from the effective date of this act, that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this act;

"(6) such lease was not obtained by fraud or misrepresentation;

"(7) such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

"(8) such lease provides for a royalty to the lessor of not less than 12½ percent in amount or value of the production saved, removed, or sold under such lease. If the lease provides for a lesser royalty, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary within 90 days from the effective date of this act, to the increase of the royalty to the minimum herein specified;

"(9) such lease will terminate within a period of not more than 5 years from the effective date of this act in the absence of production or operations for drilling. If the lease provides for a longer period, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary within 90 days from the effective date of this act, to the reduction of such period, so that it will not exceed the maximum period herein specified; and

"(10) the holder of such lease furnishes such surety bond as the Secretary may require and complies with such other requirements as the Secretary may deem to be reasonable and necessary to protect the interests of the United States.

"(b) A mineral lease which comes within the provisions of subsection (a) of this section shall continue in force and effect in accordance with its provisions for the full term thereof and of any extension, renewal, or replacement authorized therein or heretofore authorized by the law of the State issuing such lease, unless minerals were not being produced from such lease on or before December 11, 1950; then the lease shall remain in force and effect for a term from the effective date of this act equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease, of any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease. A negative determination under this subsection may be made by the Secretary only after giving to the holder of the lease notice and an opportunity to be heard.

"(c) The Secretary shall exercise such powers of supervision and control with respect to any mineral lease which meets the requirements of subsection (a) of this section as may be vested in the lessor by law or the terms and provisions of the lease.

"(d) Nothing in subsection (b) of this section shall be construed to be a waiver of any claim, if any, which the United States may have against any person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this act.

"SEC. 2. Upon the application of any lessor or lessee of a mineral lease issued by or under the authority of a State, its political subdivision or grantee on tidelands or submerged lands beneath navigable inland waters within the boundaries of such State, the Secretary, after obtaining the approval of the Attorney General of the United States is authorized to certify that the United States does not claim any interest in such lands or in the mineral deposits within them. The authority granted in this section shall not apply to rights of the United States in lands (a) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (b) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (c) which the United States lawfully holds under the law of the

State in which the lands are situated; or (d) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians.

"SEC. 3. Notwithstanding subsections (a) and (c) of the first section of this act, in the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized, after obtaining the approval of the Attorney General of the United Sates, to negotiate and enter into necessary agreements respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy. Payments made to the United States pursuant to any such agreement shall be considered to be made in compliance with paragraph (4) of subsection (a) of the first section of this act. If final settlement or adjudication of such controversy is in favor of the United States, then all the provisions of this act shall apply. The authorization contained in this section is not, and shall not be construed to be, a limitation upon the authority conferred on the Secretary in other sections of this act.

"SEC. 4. (a) The Secretary is authorized to issue to the highest qualified bidder, on the basis of competitive bidding, mineral leases on submerged lands of the Continental Shelf not covered by leases within the scope of subsection (a) of the first section of this act.

"(b) A mineral lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as he may determine, shall be for a period of 5 years and as long thereafter as minerals may be produced from the area in paying quantities or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

"(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as provided in section 5 of this act.

"(d) The issuance of any lease by the Secretary under this section, or the refusal of the Secretary to certify that the United States does not claim any interest in any submerged lands under section 2 of this act, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is submerged land beneath the navigable inland waters.

"SEC. 5. All moneys received by the Secretary from leases issued pursuant to this act shall be held for use as grants-in-aid of primary, secondary, and higher education.

"SEC. 6. The National Advisory Council on Grants-in-Aid of Education is hereby created to be composed of 12 persons with experience in the field of education and public administration, 4 to be appointed by the President of the Senate, 4 by the Speaker of the House of Representatives, and 4 by the President of the United States. No more than 2 from each group of 4 appointees shall be of the same political party. It shall be the function of such Council to draft and report to the President of the United States for submission to the Congress not later than 6 months after the date of enactment of this act, a plan for an equitable allocation of the grants-in-aid of primary, secondary, and higher education provided in section 5 of this act.

"SEC. 7. It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1953, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of such lease or grant since January 1, 1940, and the Attorney General shall submit the statement so received to the Congress not later than February 1, 1954.

"SEC. 8. The provisions of section 5 of this act shall not apply to moneys received and held pursuant to any agreement pending the settlement or adjudication of any controversy referred to in section 3 of this act.

"SEC. 9. The Secretary is authorized to issue such rules and regulations as he may deem to be necessary or advisable to carry out the purposes of this act.

"SEC. 10. (a) The President may, at any time, withdraw from disposition any of the unleased lands of the Continental Shelf and reserve them for the use of the United States in the interest of national security.

"(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of the minerals produced from the submerged lands covered by this act.

"(c) All leases issued under this act, and leases, the maintenance and operation of which are authorized under this act, shall contain or be construed to contain a provision vesting authority in the Secretary, upon the recommendation of the Secretary of Defense, to suspend operations under, or to terminate any such lease during a state of war or national emergency declared by the Congress or the President after the effective date of this act, and for the payment of just compensation to the owner of any such lease.

"SEC. 11. Nothing herein contained shall affect such rights, if any, as may have been acquired under any law of the United States by any person on lands subject to this act and such rights, if any, shall be governed by the law in effect at the time they may have been acquired. Nothing in this section is intended or shall be construed as a finding, interpretation or construction by the Congress that the law under which such rights may be claimed in fact applies to the lands subject to this act or authorizes or compels the granting of such rights of such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything herein contained.

"SEC. 12. When used in this act, (a) the term 'submerged lands of the Continental Shelf' means the lands (including the oil, gas, and other minerals therein) underlying the sea and situated outside the ordinary low-water mark on the coast of the United States and outside the inland waters and extending seaward to the outer edge of the Continental Shelf; (b) the term 'mineral lease' means any form of authorization for the exploration, development, or production of oil, gas, or other minerals; (c) the term 'tidelands' means lands regularly covered and uncovered by the flow and the ebb of the tides; and (d) the term 'Secretary' means the Secretary of the Interior."

Mr. PERKINS (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. GRAHAM. I object, Mr. Chairman. Under the previous statement made by the majority leader, we are seeking to limit this debate. Ample notice has been given. I object.

Mr. PERKINS. Mr. Chairman, I regret that the gentlemen on the majority side have taken this attitude of denying sufficient time to get the issue clearly before this Committee.

I offer House Joint Resolution 89 as a substitute. This substitute protects the equities of all mineral leases issued by the States covering the submerged lands of the Continental Shelf, and provides that other leases shall be issued by the Secretary of the Interior, and that the royalties from all such leases shall be used for grants-in-aid of primary, secondary, and higher education, and for other purposes.

This amendment differs from the amendment offered by the gentleman from Ohio in that it does not concede anything from the low mark, seaward to the States. It provides that all the revenue shall be expended for educational purposes.

I am sure that this committee is well aware of the unusually large growth in the school-age population, the inadequate supply of teachers, and the deteriorating condition of the school buildings throughout the country. These facts are the basis for the substitute bill.

The bill provides for an Advisory Council on Grants-in-Aid of Education to be composed of 12 persons with experience in the field of education and public administration, 4 to be appointed by the President of the Senate, 4 by the Speaker of the House of Representatives, and 4 by the President of the United States. No more than 2 from each group of 4 appointees shall be of the same political party. It shall be the function of such Council to draft and report to the President of the United States for submission to the Congress not later than 6 months after the date of enactment of this joint resolution, a plan for an equitable allocation of the grants-in-aid of primary, secondary, and higher education.

All of the three decisions of the Supreme Court clearly held that neither the Thirteen Original Colonies, nor a State that came into the Union after our independence, can claim any proprietary rights beyond the low-water mark, and that the so-called marginal area of 3 miles did not belong to the States, that the States could exercise police powers and certain taxing powers, but could not exercise proprietary rights.

The development of oil and gas from this area certainly is a proprietary right which belongs to all the people in all the States.

This debate has been punctuated throughout with propaganda and confusion with the sole idea to get as many Members as possible from the remaining 45 States to go along with the interested States of Louisiana, California, and Texas. That is the only reason why the interested States, along with the help of the oil lobby, have managed to confuse this issue.

We all know that this whole controversy arose out of the disputes involving the States of Louisiana, California, and Texas. Who in here can truthfully deny that these three States are not the interested ones. The Supreme Court has clearly held that the inland waterways, lakes, rivers, and harbors are not involved here.

Mr. Chairman, if we really want to do something for education in this country, we now have the opportunity. I have before me a book entitled "The Uneducated," which recently came off the Columbia University Press, where President Eisenhower established a conservation of human resources, a research project, in 1950, within the Graduate School of Business of Columbia University. Philip Young, dean of the Graduate School of Business, was appointed administrative head of the project. Eli Ginzberg, professor of economics in the Graduate School of Business, was director of the project.

I would like to take time to read the first two paragraphs from chapter 1 entitled "Our Human Resources."

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Chairman, I now ask unanimous consent that I may be permitted to proceed for 5 additional minutes to explain my point.

Mr. GRAHAM. Mr. Chairman, I must object.

Mr. WILSON of Texas. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, this is the same type of substitute amendment as the gentleman from Ohio offered except that it is a little worse. The gentleman just made the statement that there was no Supreme Court decision holding that the Original States and the other States owned to their historic, seaward boundaries. I refer him to the case of Martin against Waddel, reported in Sixteenth Peters, page 367, which was decided in 1842 when the Court said:

> When the Revolution took place the people of each State became themselves sovereign and in that character hold the absolute right to all their navigable waters and soils under them for their own common use.

I refer him to the case of *Pollard* v. *Hagan* (44 U. S. 212), where the Court said:

> First, the shore of navigable waters and the soils under them were not granted by the Constitution to the United States but were reserved to the States respectively. Second, the new States have the same right, sovereignty, and jurisdiction over this subject as the Original States.

I also call the gentleman's attention to some 50 cases cited in the brief of the State of Texas in the case of the Federal Government against Texas. The brief is signed by Walter R. Johnson, attorney general of Nebraska; Clarence A. Barnes, attorney general of Massachusetts; Price Daniel, attorney general of Texas; Hugh S. Jenkins, attorney general of Ohio; Fred LeBlanc, attorney general of Louisiana; and Edward F. Arn, attorney general of Kansas. This brief cites these 50 cases and textbooks and legal authorities to support the position of the States that they do own and have owned since the inception of this great Republic their seaward boundaries out to their historic limits. I think this substitute amendment should be voted down just as the other one was.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield.

Mr. FEIGHAN. Those cases to which you refer are restricted to inland waters and do not consider submerged lands seaward from the low-water mark.

Mr. WILSON of Texas. I disagree with the gentleman.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield.

Mr. PERKINS. I want to say to the gentleman, if I am not mistaken about reading the dissenting opinion of Justice Reed, that it was expressly admitted that the California case was the first time the marginal sea question had been before the Court. These are claims between a State and the United States and such actions as an original action must be filed in the Supreme Court. If I understand the analysis made by the gentleman from Texas [Mr. WILSON], none of the cases that he cited was a controversy existing between a State and the Nation.

Mr. WILSON of Texas. That is immaterial.

Mr. PERKINS. All of the issues decided in the cases which he cited involved only inland waters.

Mr. WILSON of Texas. I disagree with the gentleman. Many of these cases, in fact, all of them, touch this subject although they may not be between the Federal Government and any State.

The same problem came up in many lawsuits involving here one State and there another State. The question has been established for 150 years.

Mr. McCARTHY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the record should be clarified again today as it was yesterday with regard to this matter of whether or not a decision by the Court has been made on specific issue that is paramount in this debate. Yesterday a statement by a former Member of the House, Sam Hobbs, who is recognized here as a constitutional authority was read into the RECORD; and he stated clearly that there has been no Supreme Court decision which would establish title either for the States or for the Federal Government in the land beneath the marginal sea. The gentleman from North Dakota [Mr. BURDICK], asked the proponents of this bill to cite one case, but not one could be cited.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield.

Mr. YATES. In the Supreme Court of the United States, United States against California, in the opinion of Mr. Justice Black the following statements occur:

> The United States sued in ejectment for certain lands situated in San Francisco Bay. The defendant held the lands under a grant from California. This Court decided that the State grant was valid because the land under the Bay had passed to the State upon its admission to the Union. *United States* v. *Mission Rock Co.* (189 U. S. 391). There may be other reasons why the judgment in that case does not bar this litigation; but it is a sufficient reason that this case involves land under the open sea, and not land under the inland waters of San Francisco Bay.
>
> * * * Notwithstanding the fact that none of these cases either involved or decided the State-Federal conflict presented here, we are urged to say that the language used and repeated in those cases forecloses the Government from the right to have this Court decide that question now that it is squarely presented for the first time.

As a matter of fact, the report says in a majority opinion that this is the first case in which a case of this type ever came to the Supreme Court.

Mr. McCARTHY. I certainly agree with the remarks of the gentleman; and he might make the point that if we are going to—and apparently we are—to make this a transfer of title—if we can call it a transfer even though the Federal title is unclear—that we ought to do it with a clear statement of the reasons for which we are doing it. Let us not try to justify it by interposing a lot of references to legal decisions that have no bearing upon the case, or even to treaties which were never drawn and never signed, nor to other irrelevant historical argument, but simply say that we are going to transfer whatever title the Federal Government has in this area, title which has not been established by anything but a Presidential proclamation in 1945, and which has never been accepted by any court of law and say that we are giving the States whatever legal title we have.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield.

Mr. PERKINS. I have always thought it was the custom that a Member offering an original amendment, would have an opportunity to explain the amendment even though 5 additional minutes may be necessary. Now, as I see it, the claim of California and Louisiana is completely fictitious and unfounded. No one on this floor has brought forth any source of title that could possibly give California, Louisiana, or any other State the right to claim the marginal sea.

The gentleman from California [Mr. HILLINGS] yesterday admitted that when the Thirteen Original Colonies declared their independence, they did it as a united nation. When did any lapse of time intervene for the Thirteen Colonies to acquire ownership of the marginal sea? The so-called historic boundary claims arose since oil was discovered off the coasts of California and Louisiana.

In my judgment you would have made a greater and more persuasive argument if you had measured off one sword's length and said, "This is the extent of the historical boundaries of the claim of California and Louisiana."

Mr. GRAHAM. Mr. Chairman, I rise to see if we can reach an agreement as to further time for discussion of this amendment.

Mr. Chairman, we held hearings on this matter. Fourteen bills were submitted and the gentlemen presenting them were heard. If we are going to debate each of those 14 bills all over again on the floor, we will be here until next week.

Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania.

Mr. FEIGHAN. Mr. Chairman, I move to adjourn.

The CHAIRMAN. That motion is not in order.

The question is on the motion of the gentleman from Pennsylvania that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from New York [Mr. POWELL] is recognized.

Mr. POWELL. Mr. Chairman, it is entirely facetious to say that we should limit time because committee hearings were held. If that is the way we are going to conduct business, think of what would happen if on every bill 435 Members of Congress were to appear before every committee. There would not be time to hear them all, there would not be an opporunity to report out any legislation. This is the forum of the people, and here we shall speak.

I am against this bill because I do not want to see the basis for another Teapot Dome scandal being laid here today. I am against this bill because I resent a second Louisiana Purchase. I am against this bill because of the rough-shod methods that are being perpetrated upon us. You cannot sell the treasures of the United States of America for a mess of political pottage. If this is passed the Supreme Court will throw it out. Texas and Louisiana will not go Republican, and where will you be?

I would like to yield my time now to the gentleman from Kentucky to make any remarks he may desire to make at this time.

Mr. PERKINS. Mr. Chairman, I wish to thank the gentleman for yielding to me. I want to state that I am comparatively a new Member, but this is the first time I have experienced the steamroller in operation since I came to the Congress. I know that this has been a campaign issue, but there are greater rights involved in this legislation than merely trying to carry out a campaign pledge.

Mr. Chairman, commencing where I left off when my time expired, I wish to read from the first chapter of a book entitled "The Uneducated" that recently came off the press of Columbia University, entitled "Our Human Resources," page 3.

I would like to read the first and second paragraphs of that chapter:

> During World War II more than 5 million men liable for military service were rejected as unsuitable because of a physical, emotional, mental, or moral disability. Since about 18 million men were examined, this implies that approximately 1 out of every 3 young men was considered so handicapped that he could not serve his country in uniform during a major war. In the year following the outbreak of hostilities in Korea about 500,000 of the million and a half men examined were rejected. Once again, the number and proportion of handicapped men were very large.
>
> Hidden within these startling figures is the still more startling fact that during World War II 716,000 men were rejected on the grounds that they were mentally deficient.

In this book at a later chapter, page 234, we find certain recommendations. It is stated:

> What, then, are the options that face the country with respect to the elimination of illiteracy at the source—among those now of school age and those who will come of school age in the future? There are at least four alternatives. The first can be called a do-nothing program; it would hold that the Federal Government take no special action.

Now, listen to No. 2:

> The second approach could be called a do-something-about-illiteracy program, and would include the use of Federal funds specifically for the eradication of illiteracy. The third could be characterized as a do-something-for-education program, and would include the use of Federal funds specifically for the eradication of illiteracy. The third could be characterized as a do-something-for-education program, and would direct additional effort and resources to raising the quality of education in general, without concentrating on the problem of illiteracy. A fourth approach would be still broader, a do-something-for-the-poor-States program, and would include Federal assistance not only for education but for the gamut of services that have to be supported by the taxpayer—health, roads, public assistance.

President Eisenhower was responsible for the publication of this book. You have the opportunity to do something about the uneducated instead of trying to quitclaim title to the marginal sea, especially since the States never owned any title to the marginal sea in the history of this country.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield to the gentleman from Indiana.

Mr. HALLECK. It is very apparent now that the gentleman from Kentucky has had all the time he wanted and certainly no one objects to that but I do want to say that I hope we will move along expeditiously from now on in the consideration of this matter.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. WILSON].

Mr. WILSON of Texas. Mr. Chairman, there is no attempt here to steamroller this bill. This bill, or one similar to it, has been before the Congress for the past 15 years. Six thousand pages of testimony have been taken in committee, 15 or 16 hearings have been held—long, hard hearings—where everybody had an opportunity to express his belief and his opinion. Certainly there are a number of amendments which are apparently to be offered. This amendment, as I understand it, is simply that the Federal Government shall expropriate all the territory from the high-water mark out to the end of the Continental Shelf and give it to the public schools of the United States. In other words, take Texas' money that is now dedicated to its public schools, and the money of a number of other States, take it away from those States' children and give it to everybody else.

There has been a lot of talk about how much money is involved. So far as Texas is concerned, there has been a little over $8 million deposited in the State Treasury as a result of leases out in this area. You can take that $8 million or $8,500,000—I think it is eight-million-four-hundred-thousand odd—and divide it into 48 States, and your State, Mr. FEIGHAN, would get $160,000. You certainly could not build any school buildings out of the money you would take away from Texas schoolchildren and build school buildings in your district or in your State. The other 2 States, I understand, have more. But, regardless of that, that would be Texas' contribution to your schoolchildren, so that is all there is to this amendment. I think it is worse than the other one we voted down, and I ask the Committee to vote down this amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield to the gentleman from Kentucky.

Mr. PERKINS. I think that the gentleman from Texas is inconsistent in his argument. A few moments ago he made the assertion that the Treasury Department needs this money as well as the schools. If we were debating here today how we most wisely could spend the money from the standpoint of national interest, then the gentleman would certainly have made a point.

Mr. WILSON of Texas. Well, I did not yield to the gentleman for a speech. I just yielded to him for a question.

Mr. PERKINS. That is a question.

Mr. WILSON of Texas. All right; I will answer the question. I do not think I have taken an inconsistent position on the matter. I do say that the Federal Treasury at this time needs money worse than anything else in this country, including the schools.

Mr. PERKINS. I agree with the assertion of the gentleman, and I ask the gentleman why he is not proposing that all the funds then go to some use for general Government expenses, if he opposes school legislation.

Mr. WILSON of Texas. Nine-tenths of this money goes to the Federal Treasury under this bill, under title III.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. PERKINS].

The amendment was rejected.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have come to a number of conclusions after hearing the debate of yesterday and this morning.

First. That repealing three important, paramount Supreme Court decisions has turned out to be not quite so simple as the proponents of this bill seem to think it is. This debate indicates that this proposition sought by the proponents of this bill is fraught with insurmountable, incalculable difficulties.

Second. Trying to settle the controversy as the result of a hot political campaign and attempts here to bolster up those campaign pledges have simply made confusion worse confounded. Frankly, the bill before us is really a hedge of a campaign pledge.

Third. The last word will not be stated on this floor or on the floor of the other Chamber. The Supreme Court will not sanction the bill before us. Thus, legal qualms will avert the gigantic grab by the oil companies of the Nation's offshore oil. Lastly, the bill before us, to my mind, is nothing but a hodgepodge that is not going to satisfy anyone. It is not going to satisfy the boys back home in Louisiana; it is not going to satisfy the oil companies down in Texas; it is not going to satisfy those interested in California. I would suggest that Cali-

fornia and Texas might well rejoin the Democratic Party. They are getting small comfort from this administration.

With reference to what the gentleman from Illinois said concerning the definition of seaward boundaries, section 4, I want to say that as I read that section, which you will find on pages 8 and 9 of the bill, that section 4 is an illuminated invitation to any coastal State to, willy-nilly, extend its boundary to any distance seaward it sees fit.

Let me read you the language—and I brought this up a number of times before the Committee on the Judiciary of the House. Page 9, line 2, reads:

> Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coastline, or to the International Boundary of the United States in the Great Lakes, or any body of water traversed by such boundary.

Then we have this strange language, a suspicious language:

> Any claim heretofore or hereafter—

Think of it, "hereafter"—

> asserted either by constitutional provision, statute or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line.

Beyond what line? Beyond 3 miles? Thus we in Congress say a coastal State "without prejudice" may "claim" beyond "that line," that is, beyond 3 miles. There is no limit beyond the "3 miles" to which the State may lay claim.

The Legislature of the State of Texas on May 25, 1947, enacted legislation containing the following provision:

> The gulfward boundary lines of all the counties of this State bordering on the coast line of the Gulf of Mexico are hereby fixed and declared to be the Continental Shelf of the Gulf of Mexico.

We approve by that language what the legislature did, because we specifically say there shall be approved any claim made "by constitutional provision, statute, or otherwise."

Similarly with the State of California and similarly with the State of Louisiana.

You might have some outworn declaration, some map, some musty declaration dug up from God knows where, some old fishing right, some ancient document, that the legislatures of these States could bring forth to support the extension of boundaries indefinitely. They could say, "Why, our boundaries run 67 miles out," or they could say, "Our boundaries go clear to the Continental Shelf."

By passing this bill we buy a pig in a poke because we approve in advance all sorts of boundary claims without full knowledge thereof.

I am opposed to the bill in its entirety for that reason.

Mr. YORTY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have hesitated to take any time on this bill, but some of the arguments made by the Federal proponents are so fallacious that it is hard to allow them to go unchallenged.

One gentleman came up here and referred to the Teapot Dome scandal. Anybody who has studied the history of that case knows it was a Federal scandal. It had nothing to do with any States making leases.

In much of the propaganda you see on this tidelands issue you find some reference to the oil trust or the oil companies, and it is made to appear by the proponents of Federal ownership that they are protecting the people of the United States against some of the oil companies.

Everyone knows that every bill proposed here, and in fact the bill proposed last year by the gentleman from New York [Mr. CELLER], provides that the leases issued by the States to the oil companies shall be validated. The bill the gentleman introduced last session provided that the Federal Government should proceed to lease the Federal properties for development to the oil companies pursuant to it and the Federal Leasing Act.

Mr. CELLER. Mr. Chairman, will the gentleman yield? He mentioned my name.

Mr. YORTY. I yield to the gentleman from New York.

Mr. CELLER. Of course, sometimes it is better to bend than to break. I am opposed to all these bills, but in view of what happened, that the House passed this bill once before, I wanted to get a compromise. I still maintain a good many of these bills were sponsored by and actually written by the oil companies, although I make no charges against any individual Member.

Mr. YORTY. I thank the gentleman. I will say that the oil companies supported his bill at the last session of Congress, and the gentleman is well aware of that. They supported that and did not support the State bill, because they did want to get out of this controversy, in which they find themselves right in the middle, between the Federal Government and the States. They do not know whether their leases are valid; they do not know whether they can legally continue to rely on them. Many of them have spent huge sums of money developing their properties. On the basis of the compromise the gentleman from New York proposed, they supported his bill, so he was on the same side with the oil companies. If he wants to drag the oil companies into this argument, I feel he is merely beclouding the real issues.

It is a false argument. It has nothing to do with the case. It is just to build up some kind of a scare in the minds of people who are supporting the States that they will be accused of being on the side of the oil companies.

Under the Mineral Leasing Act of 1920 the Federal Government has leased hundreds of thousands of acres of land to the oil companies. I suspect that some of the people who are opposing the States here today and trying to drag the oil companies in are actually in favor of the Federal Government going into the drilling field itself and socializing the oil business. I do not think they say that, but that is what I believe they have in the back of their minds. The Federal Government tried going into the oil business in Alaska and spent $50 million and did not produce any oil. Now they are abandoning that project.

So under all the bills it is provided that the leases negotiated in good faith will be validated. Whether the Federal Government or the States win this argument, the properties are going to be developed by private oil companies under Federal or State leases.

In the remaining minute I have, I want to say in answer to the argument that there are no cases on record setting a precedent for State ownership that Justice Black in writing the majority opinion in the California case admitted that the Supreme Court in the past cases had used language strong enough to indicate that the Court then felt that the States then owned all of the lands under their navigable waters, including the territorial waters. This is one other important point I would like to make. The California case was the first one decided and the Court was unable to cite any precedent for holding that the Federal Government owned this property. They decided the case without precedent on the basis of a rationale that is the most dangerous rationale ever employed in any Supreme Court decision. They said in the California case that the Federal Government had to defend this property, and that it might get us into foreign difficulties, and therefore the Federal Government had to have paramount rights and full dominion over it. Justice Reed said that that could apply to every farm and home, and Justice Frankfurter in his dissent criticized that rationale. It is this new rationale enunciated in the tideland cases that worries most of us. If the Federal Government must own and have a proprietary interest in everything that it is called upon to defend, or in everything that is liable to get us involved in foreign affairs, then nobody owns anything in the United States of America except the United States Government. This doctrine could be extended to any length unless this Congress stops it, which I think it will.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have no reason to believe that anything I shall say will give pause to those who are intent upon passing this bill. I have always regarded this legislation as merely the price of a presidency. I see no reason why Republicans from the North and from the Middle West and from the East should vote to give away the treasures of this country to 4 States. I can see no reason for it unless that which is being done now is the price for breaking the solid South and bringing the party of Lincoln back into the White House. I think that this is a self-evident truth. There is no other possible explanation of why Republicans from the North, the East and the West are voting, almost solidly, to turn over this vast wealth to 4 Southern States. What other excuse could there be? Not only are they giving away properties worth sufficient probably twice over to pay the national debt, but they are leveling indirectly a tax upon their own constituents in the increased cost which will result of gas and oil sold at retail.

All of this is being done as the payment of the price for bringing the party of Lincoln back into the White House.

Now, Mr. Chairman, Abraham Lincoln was the first Republican President of the United States and it was he who answered the challenge in the defiant cry that the State comes first and the Nation comes second. Abraham Lincoln founded and made great in those days the Republican Party by asserting the superiority of the Nation over the State. Now we have again the same challenge. I have listened patiently to the debates on this floor for 2 days. All of the arguments of the proponents of this bill can be stated in the one argument that the State comes first and the Nation comes second. That is exactly the argument that Abraham Lincoln and the Republican Party had to meet in the early sixties.

Now that Abraham Lincoln all these years has been in his grave and the last of the boys in blue, who kept your party in power for decades after the Civil War, has gone to answer the last roll-call, you Republicans are surrendering all that Abraham Lincoln won and died for. Do you think the boys in blue, while you are doing this, are lying undisturbed in their graves?

When they were alive you courted them, you called them heroes and saviors of their country, and you took their votes. Do you think in view of what is now happening they can rest easily in their graves?

Now that they no longer have votes to give you, you are looking elsewhere for votes. So now you are saying, "Yes, the State comes first and the Nation comes second.". What would Abraham Lincoln say to you if he were here? Abraham Lincoln, the founder of your party, betrayed.

And you are going to pass this bill which turns over from the people of the United States properties worth enough to pay twice over the national debt. I am not giving you a fantastic figure. If you do not know how much you are giving away, it is time that you learned. Nobody knows how limitless the wealth in the submerged lands will amount to. Scientists who have made startling progress in preparing for the development of submerged lands under all the seven seas tell us that within 10 or 20 years the wealth uncovered and made available for development will exceed beyond the reach of imagination all the resources heretofore known to man.

Well, my Republican friends, you are giving it away as the price of getting a 4-year occupancy of the White House. But you still say, perhaps, as a salve to conscience and to minimize the enormity of the price you are paying for the Presidency, that my figures of an estimated $500 billion are ridiculous. Let me tell you something. Thirty years ago the Texas gas people had some litigation in regard to prices in which the city of Chicago, then as now represented by Joseph F. Grossman, a municipal and public utilities lawyer of national stature, was interested. All of the financing of the oil companies was done over a 10-year amortization basis. All of the experts testified in that litigation that in 10 years those Texas oil wells would be dried up. That was 30 years ago, and many of those wells are richer today than they were then. Basing my conclusions upon that, plus the most recent reports of renowned scientists engaged in processing methods for developing submerged lands to the depths of the deepest seas, I am saying to you that the price you are paying for the Presidency in dollars and cents reaches to a figure of no less than $500 billion.

Next Memorial Day there will be flags again over the graves of the boys in blue. But if it were given to the occupants of those graves to speak, the flags would be at halfmast in mourning for the party that their votes had given power when the Republican Party stood up for the Union.

As I have listened to the arguments on legal phases my mind has kept going back to the years when the courts were confronted with another problem, essentially not unlike the present problem. Those were the days when we were fighting for legislation regulating the hours of employment and working conditions of workingwomen. The courts kept holding such legislation unconstitutional because under outworn precedents, descending from a different state of living and of thinking, labor was property. Then came a change, and thanks to Louis D. Brandeis—later Justice Brandeis of the Supreme Court—then working as a lawyer for a cause and not a fee, the Court accepted the commonsense rule that "what men know as men they know as judges." The experiences of mankind in a new order of society at long last were accepted in a court of review as invalidating the outworn precedents furnished in the judicial decisions of bygone days.

The fact is that there is no decision of our Supreme Court on the question here involved, as applied to modern conditions and in direct bearing, that antedates the decision in the California case in 1947. Decisions that find their reasoning in the common law are based upon an entirely different order of things. We are not exclusively concerned with navigation and fisheries. Science and technology have opened up vast new fields of wealth. In the areas at the bottom of the seas we are finding the equivalent of what the discovery of the American continent meant to the Old World of centuries ago. The Supreme Court in 1947 sought to prepare for the future ahead by raising its sights from a concept of navigation and fisheries to one inclusive of the broader issues of national security and Federal control that had come with the vast expansion of the submerged domain opened for development.

Mr. Chairman, I am afraid that if my Republican colleagues persist in going ahead with their commitment the price of the presidency will add up to a lost future for an American Union that promised so much for all mankind.

Pass this bill, and the die is cast for 1954—when the people of an outraged Nation can speak.

Mr. JOHNSON. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, when I was in law school I wrote a paper one time on tidelands; and I just want to mention here that the matter of tidelands and who owns the tidelands, that down to the lowest ebb of the tide is clearly shown to belong to the States, and the bottom of navigable streams, like the Columbia River and the San Joaquin River belong to the States; in fact, in my city of Stockton one of our biggest parks was formerly the bottom of the river. We bought that land from the State when the stream was filled up and made a park out of it, and we bought it from the State of California.

In reading numerous decisions when I wrote that paper it seemed to me that I could clearly see that our jurisdiction on the borders of the Pacific Ocean—I refer to California's jurisdiction—went out coterminus with the jurisdiction of the United States Government; and to show you that I am not entirely off base on that, I want to read what one of the Justices of the Supreme Court that decided this case said about the matter. Here is what Justice Reed said:

> While no square ruling of this Court has determined the ownership of those marginal lands, to me the tone of the decisions dealing with similar problems indicates that, without discussion, the State ownership has been assumed.

He cites the following cases in support of this statement. They are *Pollard* v. *Hagan*, supra; *Louisiana* v. *Mississippi* (201 U. S. 1, 52), *The Abbey Dodge* (223 U. S. 166), *New Jersey* v. *Delaware* (291 U. S. 361; 225 U. S. 694).

In other words, some of the greatest lawyers and jurists in the law concerning tidelands and in international law came to the view that the slant of the thinking in those decisions clearly indicated that these States on the border, like California, Texas, Louisiana, and Florida, had rights that were coterminous with the rights of the United States or at least extended out to sea beyond the low tide line.

I want to make another point here. It is indicated that this bill will injure national defense. Nothing could be further from the truth. The same Justice mentioned above made that point. Remember this, there were only four judges who were in harmony with the majority opinion and three were in the minority; in other words, the majority opinion is also a minority opinon.

Then Justice Reed continues:

> This ownership in California would not interfere in any way with the needs or rights of the United States in war or peace. The power of the United States is plenary over these undersea lands, precisely as it is over every river, farm, mine, and factory of the Nation.

This would not interfere in the slightest degree with the national defense, and anybody who thinks it out carefully and dispassionately will understand that. My colleague the gentleman from California [Mr. YORTY] made these same points. But it is just that simple to me, that here, after dozens of years, perhaps several decades, decisions of our courts have slanted in the direction where great lawyers and great jurists admit that they indicate conclusively that these marginal lands belong to the exterior States.

We are not coming here with our hat in our hand begging for anything; we

are just asking for what we think is lawfully ours. Our Governor was considered one of the finest witnesses who appeared before these various committees, and since 1938, when he was attorney general, until the present day he is of the same conviction that I am, based upon overwhelming study of the problem, that the only fair thing to do, the only legal thing to do is to nullify this decision by an act of Congress. Now, does Congress have the right to do it? In my opinion, Congress does have the right to do it. If the Federal Government has paramount jurisdiction, certainly the Congress of the United States can determine that that paramount jurisdiction that they have can be deeded over and shared with the States that are involved.

For these very simple reasons I think that we should pass this bill and divorce from it all of the politics the opposition is trying to throw into this problem. It is purely a legal problem, purely a legislative problem before us, and it ought to be passed without a dissenting vote.

Mr. FEIGHAN. It is a legal problem, and the Supreme Court has decided that legal problem.

Mr. JOHNSON. The Congress has the right to make regulations, including provision for its transfer to States, pertaining to said paramount right.

It seems peculiar to me that when leading members of the bar, the American Bar Association, and over a majority of the attorneys general of the various States have agreed that what we are proposing to do in this bill is the right thing to do, that we should have so much confusion and resistance to this bill. A reading of the decision convinces me, as I said yesterday, that that is what the Supreme Court had in mind, namely, that Congress would exercise its right to make a policy with reference to the underseas lands which the Congress thought fair and equitable.

Mr. SAYLOR. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I do not know whether the brief remarks that I shall make will have any effect upon the opponents of this measure or not, but I should like to call their attention to something which an examination of the RECORD of yesterday shows, apparently, has not been brought to their notice. Statements have been made that this is a comparatively new problem and that States were never recognized as having any boundaries beyond the low watermark. The Supreme Court, by convenience, has ignored, Mr. Chairman, the treaty by which our country came into existence. The words of that treaty are so important that, I think, all of the Members of the Congress should know them. I have had this matter photostated by the Library of Congress and I would like to read a part of the treaty to you. This is from the treaty now on record which has been approved and it sets up the United States, its Thirteen Original Colonies, and the boundaries thereof. You gentlemen who say you have never heard of States having any rights beyond the low watermark had better listen.

From that treaty I read the following:

ARTICLE 1. His Britannic Majesty acknowledges the said United States, viz, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the Government, proprietary, and territorial rights of the same, and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz:

ART. 2. From the northwest angle of Nova Scotia, viz, that angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River, thence down along the middle of the river to the 45th degree of north latitude; from thence by a line due west on said latitude; until it strikes the River Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of the said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philipeau to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi, until it shall intersect the northernmost part of the 31st degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31° north of the Equator, to the middle of the River Apalachicola or Catauatche; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Marys River; and thence down along the middle of St. Marys River to the Atlantic Ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence; comprehending all islands within 20 leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia is on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic Ocean; excepting such islands as now are or heretofore have been within the limits of the said Province of Nova Scotia.

ART. 3. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Article 2 sets up the boundaries. It is interesting to note that most of the opponents of this bill like that part of the international boundary or boundaries as described in the Constitution which says that they go down the center of the Great Lakes. This bill contains the same provision.

When it comes down finally to that part which borders on the Atlantic Ocean it is stated that it comes to the mouth of the St. Mary's River which was then the northern boundary of what was Florida at that time. Then it extends out into the ocean 20 leagues and from thence to the mouth of the St. Lawrence River, that all lands and islands 20 leagues to sea become the province and belong to the original States.

In order to indicate that this was the real intention and something that has not been brought up just recently, I asked whether there were any maps on record that would show that historically the States have maintained that their boundaries were something like originally set forth in their charters. The Library of Congress has sent to me a certificate that says there is on file in the Library of Congress and has been for many years the American Atlas, a printed publication published in 1796 and the attached negative is an accurate description. That accurate map of the United States of America, according to the treaty of peace of 1783, clearly shows that the 20-league line extends from Florida to the mouth of the St. Lawrence River.

Mr. SCUDDER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had not intended to talk on this measure, as many times talks are made to fill the hours and to cram the RECORD, but I do desire to try and refute some of the statements that I have heard on the floor today.

As a member of the State Legislature of California, I was on the committee that investigated some of the oil lands below the ocean waters. We had controversy after controversy trying to establish what was submerged oil deposits. At Huntington Beach the first discovery of slant drilling was found. The oil companies were drilling along the shore of Huntington Beach, and somebody with an idea learned to develop a crooked well, and it was only when one of the Standard Oil Co.'s wells was drilled through and cut off the oil supply. Finally a survey was made which revealed that the drillers behind the Standard Oil Co. were tapping the pool under the waters of the Pacific Ocean. We had a long controversy regarding that problem, and in California many elections were fought along that line. But, finally, we were able to establish

that that oil belonged to the State of California and we exacted royalties from those wells that were slant-drilled into that basin.

The first royalty we finally developed was a 32-percent royalty for all the oil taken out of that basin. The royalties, as we have collected them, have amounted to a large sum for the State of California.

These royalties each year were collected and distributed as follows: $150,000 was earmarked for education and facilities and advancement of veterans of our World Wars. Of the remaining balance 30 percent goes into the general fund of the State, and naturally finds it way into educational and other State purposes. The remaining 70 percent is used for the purchasing of beaches and park sites for recreational purposes and for their maintenance. These beaches and parks are facilities from which all citizens of the entire country derive a benefit.

We have used this money to purchase coastline properties and established many coastline beaches. Can you imagine traveling to the Pacific coast and traversing our highways and not being permitted to go down to the ocean shore? These moneys which we receive are used for this general purpose.

Permit me to give you some figures on royalties collected by California as compared with the Federal Government. Now we have heard the charge constantly that this is an oil company bill. I want the people who are making those charges to reverse themselves, because it is not factual; in fact, those who are opposing this bill are favoring the oil companies, if anybody is.

From 1921 through 1950, the yearly average collected by the State of California was 19.13-percent royalty. During the year 1950 California collected royalties at the rate of 24.99 percent from the oil companies who entered into agreements to produce from tideland deposits. By comparison, the Federal Government collects royalties from such sources as this on an average rate of 11 percent. The latest figures I have are for 1947, when the Government's rate of royalty collections was 11.38 percent. That same year the State of California collected royalties from tidelands production at the rate of 24.91 percent.

The State of California is receiving a proper proportion through the royalty on the production of these wells. The money being collected is used for almost the identical purposes in California as the opponents of this bill desire its distribution would lead you to believe on a national level. It has been said that this amount would be infinitesimal if distributed throughout the United States.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GRAHAM. Mr. Chairman, I move that all debate on this section, and all amendments thereto, do now close.

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Which section does the gentleman refer to?

Mr. GRAHAM. Section 1 of the bill.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. GRAHAM].

The motion was agreed to.

The Clerk read as follows:

TITLE I

DEFINITION

SEC. 2. When used in this act—

(a) The term "lands beneath navigable waters" means (1) all lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high-water mark as heretofore or hereafter modified by accretion, erosion, or reliction; (2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line 3 geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Great Lakes or Gulf of Mexico) beyond 3 geographical miles, and (3) all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined; the term "boundaries" includes the historic seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 4 hereof;

(b) The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, which include all estuaries, ports, harbors, bays, channels, straits, historic bays, and sounds and all other bodies of water which join the open sea;

(c) The terms "grantees" and "lessees" include (without limiting the generality thereof) all political subdivisions municipalities, public and private corporations, and other persons holding grants or leases from a State, or from its predecessor sovereign if legally validated, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however,* That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;

(d) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power or the use of water for the production of power, at any site where the United States now owns the water power;

(e) The term "lands beneath navigable waters" does not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States, and if the title to the beds of such streams was lawfully patented or conveyed by the United States or any State to any person:

(f) The term "State" means any State of the Union;

(g) The term "person" includes in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation;

(h) The term "outer continental shelf" means all submerged lands (1) which lie outside and seaward of lands beneath navigable waters as defined hereinabove in section 2 (a), and (2) of which the subsoil and natural resources appertain to the United States and are subject to its jurisdiction and control;

(i) The term "Secretary" means the Secretary of the Interior.

(j) The term "lease" whenever used with reference to action by a State or its political subdivision or grantee shall be regarded as including any form of authorization for the use, development, or production from lands beneath navigable waters or lands of the outer continental shelf and the natural resources therein and thereunder, and the term "lessee" whenever used in such connection shall be regarded as including any person having the right to develop or produce natural resources and any person having the right to use or develop lands beneath navigable waters or lands of the outer continental shelf under any such form of authorization;

(k) The term "Mineral Leasing Act" means the act of February 25, 1920 (41 Stat. 437), and all acts amendatory thereof or supplementary thereto.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time in order to ask some questions of the chairman of the committee in charge of the bill. I should like to refer the attention of the gentleman to page 2 of the bill, line 1, where the word "nontidal" is used. Does this refer to fresh water or does it refer to the ocean waters which are nontidal in the sense of not covering the tidelands?

Mr. GRAHAM. I do not understand the gentleman's question.

Mr. YATES. The word is "nontidal," What does that mean, fresh water?

Mr. GRAHAM. No. There are no tides in fresh water that I know of.

Mr. YATES. The word is "nontidal." Therefore, would it mean fresh water?

Mr. GRAHAM. Beyond the tides.

Mr. YATES. Beyond the tides of the ocean, then. Now with respect to the language appearing in line 17, "historic seaward boundaries," will the gentleman state what is the historic seaward boundary of Louisiana, for example? I have read the report and I have not seen it defined and I have nowhere seen any explanation of what is the historic seaward boundary of the State of Louisiana.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I have asked the question of the gentleman from Pennsylvania.

Mr. GRAHAM. Does the gentleman from Louisiana wish to answer it? I yield to the gentleman for that purpose.

Mr. WILLIS. I tried to explain that yesterday during general debate. In order to explain the historic seaward boundary of any State admitted since the admission of the Thirteen Original States you have to go to the act of Congress admitting that State and the first constitution of that State. I said in certain cases you had treaties involved, such as in the case of Texas. So the historic boundaries of Texas and Louisiana both would be governed by the acts of Congress admitting those States and the first constitution of the States, and the

appropriate ancient documents spelling out the boundaries.

Mr. YATES. Will the gentleman state what is the historic boundary of Louisiana? Has a line been drawn defining the seaward boundary of Louisiana?

Mr. WILLIS. This bill does it.

Mr. YATES. At what point?

Mr. WILLIS. It defines the coastal line, and from then on the States have their boundaries in accordance with the condition of their admission, as in the case of the admission of Louisiana into the Union.

Mr. YATES. Will the gentleman state whether the seaward boundary of Louisiana under this bill is limited to a point 3 miles seaward from the low-water mark?

Mr. WILLIS. The bill does not mention Louisiana any more than Kentucky or the gentleman's State. The bill provides that the historic limits and historic boundaries of the States shall be in accordance with the conditions of their admission into the Union.

Mr. YATES. The gentleman has stated that. I am endeavoring to obtain an application of the language of the bill to a specific State—Louisiana. I am asking that it be applied to the gentleman's home State of Louisiana.

Mr. GRAHAM. If you fix the baseline, then you can determine it.

Mr. YATES. I have fixed the baseline. I have fixed it at a point at the low-water mark on the shore of Louisiana. Does this bill limit the seaward boundary of Louisiana at a line 3 miles seaward from the low-water mark of Louisiana?

Mr. GRAHAM. It is limited from the coastline of Louisiana.

Mr. YATES. Three miles?

Mr. GRAHAM. It is up to the State of Louisiana to establish anything beyond that.

Mr. YATES. In other words then, this bill does not fix the boundary of the State of Louisiana?

Mr. GRAHAM. It does fix it 3 miles out. If they claim farther than that, they must establish that.

Mr. YATES. They must establish it. In other words, they are given the right under the terms of this bill to still come in and establish it at still another point?

Mr. GRAHAM. They have always had that right.

Mr. YATES. Then I come back to my original question. What is the historic boundary of Louisiana because apparently this bill does not fix the historic seaward boundary of a State? If that be true, what is the historic seaward boundary of Louisiana?

Mr. GRAHAM. It does not do that. We disagree thoroughly with the gentleman's position.

Mr. YATES. I imagine the gentleman does disagree with my position, but I will try to bear up under that blow. I still submit I am entitled to an answer, before we pass this legislation, to the question: What is the historic seaward boundary of Louisiana?

Mr. PERKINS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the argument we have just heard shows what really is behind this legislation. There is no limit as to the number of miles that a State may attempt to extend its boundary line. Now I would like to propound a question to the gentleman from Louisiana. Does this bill open the door for your State to extend its boundary line as far out in the Continental Shelf area as the State legislature may deem wise?

Mr. WILLIS. No, I answer that question categorically, "No."

Mr. PERKINS. What does that provision provide?

Mr. WILLIS. You have to go to the provision of the bill covering that, which I would like to read.

Mr. PERKINS. I am asking you if the provision does not expressly provide that a State such as Louisiana may extend its boundary lines in the future far out in the Continental Shelf.

Mr. WILLIS. That is covered by section 4 of the bill. That section has been aerated many times since yesterday. I will read it to you.

Mr. PERKINS. You do not have to read it. Just answer the question for the information of the committee.

Mr. WILLIS. Section 4, the first sentence provides that the seaward boundary of the Thirteen Original States are confirmed up to 3 miles.

Mr. PERKINS. What is the extension provision there?

Mr. WILLIS. That is the second sentence which says that if any State admitted subsequent to that time has not already done so, it may extend its boundaries up to 3 miles. Then the third sentence, that is the sentence that we heard about from the gentleman from Illinois [Mr. YATES], says that if in the past the States have taken action so to extend (meaning 3 miles) that action is approved. Then the fourth sentence provides that nothing in the paragraph shall prejudice the rights of the States to——

Mr. PERKINS. To go beyond the 3-mile limit?

Mr. WILLIS. Yes, but under what conditions. That sentence has never been read. Here it is. Nothing in the section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographic miles if it was so provided by treaty ratified by the Senate of the United States or by an act of Congress or by the constitutional laws of a State prior to or at the time such State became a member of the Union.

Now that is all there is to it and that is the information the gentleman has asked for.

Mr. PERKINS. The last provision just enables the States to extend their boundary lines far out into the Continental Shelf area.

Mr. WILLIS. This bill does no such thing.

Mr. PERKINS. In other words, this whole subject matter is not brought before the Congress again.

Mr. WILLIS. This bill does no such thing.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield.

Mr. CELLER. I think the gentleman failed to give proper emphasis in lines 10 and 12, which read as follows:

Without prejudice to its claim if any it has that its boundaries extend beyond that line—

"That line" meaning the 3-mile limit. So we say that when we pass this bill we do not in any way prejudice any claims that the State may make about territory even beyond the 3 miles.

Mr. PERKINS. I place the same interpretation on those lines as does the gentleman from New York.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I cannot yield.

Mr. WILLIS. I thought the gentleman wanted information.

Mr. PERKINS. I cannot yield because I want to discuss the values of some of the properties involved. I have some estimates before me made available by the United States Geological Survey concerning the known values and potential values of oil and gas rights. They are as follows:

Estimated value of United States offshore oil resources

PROVEN RESERVES

	Quantity (barrels)	Value ($2.50 per barrel)
Inside 3-mile limit:		
California	156,345,000	$390,862,500
Texas	15,000,000	37,500,000
Louisiana	107,000,000	267,500,000
	278,345,000	696,862,500
Continental Shelf outside 3-mile limit:		
California	0	0
Texas	0	0
Louisiana	214,000,000	535,000,000
	214,000,000	535,000,000

POTENTIAL RESERVES

Inside 3-mile limit:		
California	1,100,000,000	2,750,000,000
Texas	[1] 400,000,000	1,000,000,000
Do	[2] [1,200,000,000]	[3,000,000,000]
Louisiana	250,000,000	625,000,000
	[3] 1,750,000,000	4,375,000,000
Continental Shelf (total):		
California	2,156,000,000	5,390,862,500
Texas	9,000,000,000	22,500,000,000
Louisiana	4,000,000,000	10,000,000,000
	15,156,000,000	37,890,000,000

[1] Inside 3-mile limit.
[2] Inside 3-league limit.
[3] Totals exclude data in brackets.

NOTE.—Reserves from U. S. Geological Survey estimates. Value calculated at approximate current crude-oil prices.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Page 4, line 7, after the semicolon insert "Admitted prior to the effective date of this act."

Mr. SMITH of Virginia. Mr. Chairman, I spoke on this matter on yesterday. It is on page 4 of the bill under the heading "Definitions." and reads: "The term 'States' means any State of the Union." I proposed to add to it the following: "Admitted prior to the effective date of this act."

The purpose of this amendment is that it eliminates any future State that

may be admitted to the Union and confines the operation of this bill to the present 48 States. My reason for it is that it occurs to me that it would be rather unwise to undertake to fix the boundaries of the Hawaiian Islands in this bill with all the uncertainties that exist relative to the waters lying about those islands.

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. GRAHAM. As I understand the gentleman's position he raises the issue whether the boundary is 3 miles around each island, which has been the historic seaward limits or in view of the fact that in some places 1,000 miles intervene between some of the islands all the water enclosed between them would be treated as inland waters.

Mr. SMITH of Virginia. I think the gentleman opens up the whole question. I do not propose to do anything except not to try and settle it in this bill. Nobody knows what the situation is or how much water should be taken in. Nobody knows what the historic boundaries would be of the Hawaiian Islands. It would seem to me to be the part of wisdom to eliminate it from this bill.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH of Virginia. I yield.

Mr. BROOKS of Louisiana. As I understand, the gentleman's amendment would simply allow future Congresses to pass on this question when it arises.

Mr. SMITH of Virginia. That is it. For instance, in the case of Canada I am told that the Continental Shelf runs out 1,000 miles, maybe more. You would have the same thing with the island territory you propose to take in. It does seem to me to be wise to limit this bill to existing States.

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. GRAHAM. I am thinking in terms of Supreme Court decisions that each State must be taken in on an equal footing, and that we cannot discriminate between those taken in before and those admitted after a certain time.

Mr. SMITH of Virginia. Yet this very bill as it is written now discriminates against them.

Mr. GRAHAM. We do not discriminate against them.

Mr. SMITH of Virginia. In the case of Texas, in the case of Florida, you give them different treatment in the matter of the seaward boundaries.

Mr. GRAHAM. Just to the historic limits.

Mr. SMITH of Virginia. I have stated my position and offered this amendment. I am not insisting particularly on the amendment. I am merely trying to be helpful and point out what I think you are doing.

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. GRAHAM. How much thought has the gentleman given to the constitutionality of this as it will be interpreted by the Supreme Court?

Mr. SMITH of Virginia. I understand the gentleman's question: The Constitution states that all States must come in on an equal basis. I do not question that, but I think when you bring in another and when you do not know all the facts regarding an area that may be admitted as another State, that the thing to do is let that issue be settled by the Congress when the area is admitted to statehood. As it is today we do not know what is the historic boundary of any Hawaiian island or what we may do regarding the waters between the various islands. I do not think we should attempt to deal with that question in this bill.

Mr. FARRINGTON. Mr. Chairman, I rise in opposition to the amendment. If it is incorporated in this bill it might involve the legislation, and any law that comes out of it, in a serious controversy over the constitutionality of the provision proposed by the very distinguished gentleman from Virginia [Mr. SMITH].

Mr. Chairman, I find nothing in the statement of the gentleman from Virginia [Mr. SMITH] to justify his amendment that the Territory of Hawaii be specifically omitted from the provisions of the legislation now pending before the House.

The proposal appears on the contrary to be based on a misstatement of facts with reference to the Territory of Hawaii. The latter does not—and I quote from the statement of the gentleman from Virginia appearing on page 2516 of the CONGRESSIONAL RECORD of yesterday—"consists of a great many islands scattered all over the Pacific Ocean." The truth is that the Territory of Hawaii consists of a small group of very well defined islands.

I venture the assumption that there is no land area under the American flag today whose boundaries have been more clearly defined than are those of the islands that constitute the Hawaiian group. They are of such vital, strategic importance and became involved in the last war in such an important way that every aspect of their geography has been very carefully measured.

The main group of islands is eight in number. All of these are inhabited except one. The latter has been used for target purposes by the United States Navy and is maintained under their jurisdiction for that reason.

These islands consist historically of Hawaii proper. The land area and the waters around them have been clearly defined.

In addition to this group are some islets that have been covered under the jurisdiction of the Territory for obvious administrative reasons. Among these are the so-called Line Islands to the northwest of Hawaii that are, for the most part, coral reefs. They are uninhabited and uninhabitable. There is only one of these islands that is more than a mile square and it is only a mile and a half square.

I agree that being an insular area we have an unusually long coast line and that it presents problems that are different from those of the inland States. I do not, however, concede that they represent anything new or unusual or offer a single good reason why exception should be made in this or any other legislation relating to tidelands.

Moreover, the Hawaiian Islands are of volcanic origin and some of the atolls are covered within their jurisdiction are no more than coral reefs. It is a well established fact that there are no mineral resources whatsoever beneath the land area of the islands or within the tideland areas.

If there is any adjustment to be made in the jurisdiction of the island areas beyond the main group of Hawaiian Islands, it can and properly should be received for settlement by the joint committee of Congress that is provided for in the statehood bill to deal with the problem of the disposition of the lands in the Territory of Hawaii to which the United States now has title. To remove Hawaii from the legislation now before the House would only complicate the problems of the committee.

It should be said that their outlying islands are no asset to the proposed State of Hawaii. On the contrary, they are a liability. And it should be pointed out moreover that they were placed under the jurisdiction of Hawaii principally for reasons of convenience. This question has no place in the consideration of this legislation. There is no good reason for this amendment.

I want to point out further that the enacting clause of the Hawaiian statehood bill says that:

> The boundaries of the State of Hawaii shall consist of all the territory now included in the said Territory of Hawaii.

The statehood bill moreover recognizes that this issue of tidelands will arise in connection with the admission of Hawaii into the Union and contains in section 3, paragraph (f), this statement:

> The State of Hawaii shall stand on an equal footing with the other States with respect to lands beneath navigable waters or reclaimed therefrom, the beaches and shores of navigable waters, and the natural resources within such lands and waters.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. FARRINGTON. I yield to the gentleman from Texas.

Mr. WILSON of Texas. Can the gentleman tell the House now what claim or what assertion of right the islands have made with regard to their seaward boundaries? Is there any set policy as to the claim they have made?

Mr. FARRINGTON. We take the position we should enjoy the same rights as is determined for the other States.

Mr. WILSON of Texas. Does the gentleman mean the 3-mile boundary or the 10½-mile boundary?

Mr. FARRINGTON. I am perfectly willing to accept the decision of the Congress on that issue. May I say in that connection that our islands are of volcanic origin and some of the atolls are of coral; so the question, so far as we are concerned, does not involve any mineral resources as it is a well-established geological fact that we have no oil or any valuable minerals of any sort under the surface of the islands. We have fishing rights that come within the historical 3-mile limit.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FARRINGTON. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. The gentleman questioned the accuracy of my statement about the islands being scattered. Would the gentleman state that Palmyra Island is a contiguous part of the Hawaiian Islands?

Mr. FARRINGTON. I would be glad to clarify that.

Mr. SMITH of Virgina. And I understand there is an island called Johnson Island, which is some 700 miles away, while Palmyra Island is about 1,000 miles away.

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. GRAHAM. Mr. Chairman, I regretfully object.

Mr. ASPINALL. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, as the House has under debate H. R. 4198, the Submerged Lands Act, I find my mind turning back to an old phrase current at the time this Nation assumed its independence. That phrase is "not worth a continental," which referred to the fact that the bonds issued by the insurgent Continental Congress to wage its war of independence were worth something less than their face value. That being the case, they were not much in demand except by those who saw them as a good speculation. History indeed has a way of repeating itself, or is it just that human nature changes but little in different times in history? Time proved that the "continentals" were indeed worth something, as the new Republic assumed this obligation and paid these bonds at par. Thus, there existed for a long time another "Continental" which seemed to have but little value, and therefore had but little demand—the Continental Shelf lying off the shore of this Nation. Now the reaching fingers of oil development have given new worth, and therefore new demand, to the new Continental. This land has become an asset worth billions in potential, and the question of ownership assumes an importance greater than the ownership of the continentals of old. It follows that the debate, of national magnitude, befits the grandeur of the assets under cloud. It also follows, unfortunately, that the debate has served as much to muddy the waters as to enlighten. It has ever been thus, and nothing added suddenly here will, like a breath of air, sweep away all doubt. Yet this issue must come to a vote, not alone because it is important to "quiet" this matter so that dragging development may go on but also because it represents an important plank in the platform on which the present majority of Congress followed the President to victory last November. The promise was made and delivery is at hand. In times gone by legislation such as this was considered under the possibility of veto. That impairment is gone, and the bill and the issue stands before us on their own merits. True, it runs in the face of three major decisions of the Supreme Court of the United States, but this appears to cause no concern, for the Congress can in its wisdom do many things. There is, however, no certainty that even the passage of this bill will end all controversy on this matter even on the domestic side, and even less certainty of its effect on the international side. It may well prove to be a Pandora's box, as State boundaries, that is, seaward boundaries of nonsovereign entities, creep out to sea, that other boundaries elsewhere may also creep out to our detriment. Such are the problems of living in a world and not in beautiful isolation.

One helpful thing about ownership before the law is that it must lie somewhere at all times. It cannot float around for an indeterminant time. Here we have a question of who owns what and it must turn then on historic ownership. About as far back as this Nation can go in terms of ownership is to the Sovereign of England, the mother country of this Nation. At some point, the King of England, in his glory, was held to hold title to this and that as a "divine" right. That right is not at question but it was none the less accepted. The King then gave grants of land in his possession in the New World, to various entities which in time became colonies. Later these colonies, in redress of grievance, declared themselves to be free and independent and no longer subject to the powers of the King. They took unto themselves the former powers of the King in a Declaration of the Congress of the United States. They also won a war and laid full claim to the declared independence and the former sovereign agreed to the peace terms, again not with the several States, but with the united spokesman, the States in Congress assembled. The next step in time was a jump from a confederated nation to a Federal Union for practical men found the confederation too weak. At this point the first, and still confused, matter of who owned what arose. At some point in this development, the separate sovereign States, however confederated, stood alone in their own eyes. At no point however, were they so viewed by other sovereign entities who did business with the confederated power. In this day, we find controversy arising out of this area of sovereignty. The claim of any State, with the possible exception of Texas, to lands lying off its shore, turns on whether or not the original 13 States retained title from the King or whether it passed to the Federal Union.

Many cases, often the same ones, are cited by those on each side of this submerged lands issue to show that either the States did or did not hold title to submerged lands offshore and below low tide mark. In this connection, I find it most important to notice that the bill before us vests title to the States to lands beneath navigable waters within State boundaries and to any resources beneath such waters. This matter, by all cases offered by either side, is unnecessary for there is unanimous agreement that the States do in fact and without question hold title to all lands lying beneath navigable waters within their borders. What is important then is the definition of these lands so contained in the bill. First it defines all navigable lands above high tide mark as State lands and this is unnecessary but it then turns to define what are actually tidelands, that is those lands upon which the tide rises and falls, and this too is unnecessary. However, without stopping in this definition it breathlessly pushes the State boundary out a minimum of 3 miles, or any other such figure as the State can squeeze in. Here is the crux of the issue as I see it in simple and noninvolved terms. If the States have always been owners of this minimum of 3 miles out, then this bill, except as it deals with truly outlying lands, is superfluous. If however, it is, as the Supreme Court has said, that the Federal Government has paramount power in the 3 mile zone, then the bill is indeed important for it changes what would otherwise be the law of the land. For myself, I can find no conclusive argument that any State can claim paramount rights to either the water's surface or to the land beneath it. Any claim it may establish, by this legislation, must yield at many points to the superior power of the Federal Government for navigation, the regulation of commerce and the provision of national defense. Neither can this legislation increase or decrease the real power of the Federal Government in the lands lying beyond the 3 mile belt for this is subject to international agreement which holds the high seas as the open highway of all nations.

All I can discover in this legislation is an attempt by the States involved, using an age-old principle that any State has full ownership of lands beneath navigable waters inside its lines, to assume an asset which belongs to the people at large as the real source of sovereignty. Failure of this bill would in no wise need deny them their full share of any revenue, of any improvements in harbors or reclaimed lands, but only insure that the Nation receives the returns of its national assets.

There has been no declaration that the Federal Government has any title to the lands lying offshore. There has been no claim by the Federal Government for lands lying inside confirmed State boundaries. There has been no plot to vastly increase any Federal power or reduce States to serfdom. Yet, in spite of this, there are those who see a great crusade on the part of the Federal Government, naturally at some highly indefinite time in the future, to take over something which is not its own. There are others who see a great crusade for socialism in any move the Federal Government makes, other than the erection of tariffs and the protection of property rights, or the assumption to old debts to be paid at par like the continentals. I am unimpressed by these allegations of great crusades for they, in the manner of most great crusades, are mostly mythical. I am also unimpressed by a bill which takes 27 pages merely to extend or, if you will, confirm State boundaries out into the sea and which kindly leaves to the people at large, what is left beyond. To me, this new continental in question, the Continental Shelf beginning at mean low tide, is just that; the

extension of the land mass of the Republic out into the sea. This is a part of the land mass of the Nation, a part of the sum total of resources of the Nation, and as the Supreme Court has held, these resources should accrue to the Nation at large.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The question was taken; and the Chair being in doubt, the Committee divided and there were—ayes 49, noes 63.

So the amendment was rejected.

Mr. FEIGHAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FEIGHAN: Page 3, line 1, after the word "waters", strike out the comma and the words "which include" and insert in lieu thereof the word "in."

Mr. FEIGHAN. Mr. Chairman, this amendment pertains to the definition of "coastline," which in the present bill seems to me to offer a new concept of what is the seaward limit of inland waters. In support of my amendment, I am going to read from a letter dated March 4 of this year, addressed to the Honorable HUGH BUTLER, chairman of the Committee on Interior and Insular Affairs of the United States Senate, from Assistant Secretary of State Thruston B. Morton, with reference to this particular amendment. He was referring to the Senate bill:

Inland waters are defined as including "all estuaries, ports, harbors, bays, channels, straits, historic bays, and sounds, and all other bodies of water which join the open sea." This definition appears to be too broad. With respect to bays and estuaries, the United States has traditionally taken the position that the waters of estuaries and bays are inland waters only if their opening is no more than 10 miles wide, or, where such opening exceeds 10 miles, at the first point where it does not exceed 10 miles. With respect to a strait which is only a channel of communication to an inland body of water, the United States has taken the position that the rules governing bays should apply. So far as concerns a strait connecting 2 seas having the character of high seas, whether the coasts of the strait belong to a single State or to 2 or more States, the United States has always adhered to the well-established principle of international law that passage should be free in such a strait and hence has maintained that its waters, even though it be 6 miles wide or less, cannot be inland waters. With respect to both bays and straits, of course, the United States has excepted the cases where, by historical usage, such waters are shown to have been traditionally subjected to the exclusive authority of the coastal State.

The purpose of this Government in adopting such a definition of inland waters was to give effectiveness to its policy of freedom of the seas. The broader the definition of inland waters, the more the seaward limit of inland waters is brought forward from the coast. And since the seaward limit of inland waters is the base line whence the belt of territorial waters is measured, this by cumulative effect brings forward the outer limits of territorial waters. Of late, efforts have been made by some foreign states to broaden the definition of their inland waters and to gain control thereby of large areas of the seas adjacent to their coasts. This Government has opposed and continues to oppose such developments, but any indication on its part of a change of position, such as may be suggested by the broad definition of inland waters now present in the proposed legislation, may well encourage the growth of a dangerous trend. Hence, in the view of the Department, it would be advisable to amend the section as follows: "limit of inland waters"—

And so on; in other words, the amendment I have offered.

I think the State Department is perfectly correct in its assumption that we in Congress should not make a new definition of what are inland waters. Under this definition as it is set up, which states that the limits of inland waters include all these ports, bays, and sounds, it is quite possible that any area of the open sea extending from one point out in the ocean to another may be as far as 100, 200, or possibly 300 miles, and it may be as far as 30 or 60 miles deep. Then if you draw a straight line, as this bill does, across those two outermost projections into the sea, we have an absolutely new concept of what are inland waters.

For that reason, I hope this amendment will be accepted.

Mr. HILLINGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am opposed to the amendment. If this amendment is adopted, we would put in jeopardy every bay, harbor, port, or estuary on any coastal area in this country. We would invite litigation after litigation in the courts in trying to determine whether these bays and harbors, and so forth, were actually owned by the States.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. HILLINGS. I yield to the gentleman from Louisiana.

Mr. WILLIS. Is it not a fact that this same amendment was proposed before the whole Committee on the Judiciary and we debated it and analyzed it and defeated it after careful study?

Mr. HILLINGS. The gentleman is correct. The same situation applied in the Judiciary Subcommittee, chairmanned by the gentleman from Pennsylvania [Mr. GRAHAM], on which I serve as a member.

It is also true that this definition of "coastline" has been in every previous piece of legislation on this subject which has passed the Congress, so it is not a new definition. It is a definition that the Congress has approved on numerous occasions.

It would be utter folly to remove this language and open up the possibility of taking away from every coastal State its bays, harbors, ports, and estuaries, which certainly could happen if this language were not in the bill to clarify the definition.

I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was rejected.

The Clerk read as follows:

TITLE II

LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

SEC. 3. Rights of the States:

(a) It is hereby determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, control, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, severally recognized, confirmed, established, vested in and delegated to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof.

(b) (1) The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, moneys, improvements, and natural resources.

(2) The United States hereby releases and relinquishes all claims of the United States, if any it has, arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters.

(3) The Secretary or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary or to the Treasurer of the United States and subject to the control of either of them or to the control of the United States on the effective date of this act, except that portion of such moneys which the Secretary is obligated to return to a lessee.

(c) The rights, powers, and titles hereby recognized, confirmed, established, vested in and delegated to the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That, if oil or gas was not being produced from such lease on and before December 11, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That within 90 days from the effective date hereof (i) the lessee shall pay to the State or its grantee issuing such lease all rentals, royalties, and other sums payable between June 5, 1950, and the effective date hereof, under such lease and the laws of the State issuing, or whose grantee issued, such lease, except such rentals, royalties, and other sums as have been paid to the State, its grantee, the Secretary or the Treasurer of the United States and not refunded to the lessee; and (ii) the lessee shall file with the Secretary and with the State issuing, or whose grantee issued, such lease, instruments consenting to the payment by the Secretary or the Treasurer of the United States to the State or its grantee issuing the lease, of all rentals, royalties, and other payments under the control of the Secretary or the Treasurer of the United States which have been paid, under the lease, except such rentals, royalties, and other payments as have also been paid by the lessee to the State or its grantee.

(d) Nothing in this act shall affect the use, development, improvement, or control

by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power at any site where the United States now owns or may hereafter acquire the waterpower or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation or to provide for flood control or the production of power at any site where the United States now owns the waterpower.

(e) Nothing in this act shall be construed as affecting or intending to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the 98th meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

Mr. COLMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLMER: On page 6, line 4, after the words "natural resources", insert the following: "subject to the condition that there shall be no unreasonable disparity between the treatment by a State or its grantees of its citizens and the treatment by such State or its grantees of the citizens of another State in the management, administration, leasing, controlling, developing, and use of the said national resources."

Mr. COLMER. Mr. Chairman, on yesterday I addressed the House briefly on this subject, giving advance notice that I proposed to offer this amendment. In the brief time that I have, of course, I cannot go too much into the reasons and the need for this amendment. But the amendment is aimed at one thing and one thing alone. That is to reassert in this legislation what is already considered to be the law with reference to the use and taking of fish, shrimp, and other migratory marine life. Under section 2 of article 4 of the Constitution, there can be no disparagement in the way of treatment among citizens of one State against citizens of another State. We have had in this country, and particularly in my section, a great deal of confusion and chaos, particularly with reference to shrimp boats going from the waters of one State to the waters of another State. Sometimes attempts have been made to pass unreasonable laws requiring exorbitant licenses of the citizens of one State who may want to go into the waters of another State.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield.

Mr. WILLIS. The gentleman is familiar with the Supreme Court decision involved in the Carolina situation with reference to shrimping. I understand his amendment goes no further than to simply spell out in this bill what the gentleman thinks the Supreme Court held in the matter of licenses and so on for shrimping and for the fishing industry as against one State vis-a-vis another State.

Mr. COLMER. I thank my friend for his contribution. Our States adjoin and he knows of the problem there. My amendment merely spells out what the Constitution provides and what the Supreme Court in the South Carolina case, to which my friend referred, announced to be the law. The purpose of this—if you ask why we should have this amendment written into this bill—is to dispel any idea that this tidelands law under the broad terms of this bill with reference to resources would give one State the right to discriminate against the citizens of another State. I hope my friends, the chairman of the committee and of the subcommittee, will see fit to accept this amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield.

Mr. CELLER. Does the State of Louisiana allow citizens of Mississippi to fish in Louisiana waters and vice versa. What is the need of the amendment then, if that is so?

Mr. COLMER. I do not want to get into any argument here because there has been extreme controversy between the two States. Not only between those two States but between other States as well. For instance North Carolina and South Carolina and also between Texas and Louisiana and other States which I might mention. Two cases have gone to the Supreme Court. We want to spell out here that this does not grant any additional authority, or attempt to grant any additional authority. That is the purpose of this amendment. I cannot see why there should be any objection to it.

As I pointed out on yesterday, migratory fish recognize no artificial boundaries. They travel in the open waters, and as I illustrated in my talk yesterday, there was a gigantic school of shrimp miles square, which was discovered off the coast of Florida about a year and a half ago. That school of shrimp was converged upon by boats from Virginia on the east and Texas on the west. These fishermen from the different States followed the shrimp as they slowly migrated across the waters of Florida, Alabama, Mississippi, Louisiana, and Texas and into the waters of Mexico.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Chairman, I rise in opposition to the amendment.

In the first place, Mr. Chairman, the words are entirely superfluous in view of the decision of the Supreme Court. In *Toomer* v. *Witsell* (334 U. S. 385, 393 (1947)), Mr. Justice Vinson, in the majority opinion, said:

In the court below *United States* v. *California* (332 U. S. 19 (1947)) was relied upon for this proposition. Here appellants seem to concede, and correctly so, that such is neither the holding nor the implication of that case; for in deciding that the United States, where it asserted its claim, had paramount rights in the 3-mile belt, the court pointedly quoted and supplied emphasis to a statement in *Skiriotes* v. *Florida* (313 U. S. 69, 75 (1941)).

Our position is that this matter is settled. This is a proposition which could not lead to discrimination on the part of one State against the others and thus open the door to endless litigation. We are opposed to it and ask that the amendment be defeated.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield.

Mr. COLMER. I did not get the citation of the case the gentleman read. Was that the South Carolina case?

Mr. GRAHAM. That is the South Carolina case, the shrimp-boat case.

Mr. COLMER. As I understand the gentleman—and I did not get everything he said——

Mr. GRAHAM. I said it was the shrimp-boat case.

Mr. COLMER. Of course the main thing I caught were the very unpleasant words that the gentleman rose in opposition, but I did not get the citation.

Mr. GRAHAM. I said when the shrimp boats come in in South Carolina.

Mr. COLMER. Now, if I understand the gentleman correctly, he takes the position that the provisions of my amendment are already in the law.

Mr. GRAHAM. That is right; that is correct.

Mr. COLMER. And there is no necessity for this. Then I asked the gentlemen what objection there may be to a restatement of it here.

Mr. GRAHAM. Just the same as we would not restate the Constitution; that is the law.

Mr. COLMER. But the gentleman must realize that it would have a very powerful and deterrent effect upon these intrastate squabbles that have arisen in the past. I regret that the gentleman sees it necessary to oppose this amendment.

Mr. GRAHAM. May I say to the gentleman from Mississippi [Mr. COLMER] that our position is that the Constitution, of course, is superior to any law of any State, and that has already been decided, and the Supreme Court held as I have indicated. We think it is redundancy, unnecesssary, and could serve no good purpose.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield.

Mr. McCARTHY. I think it important that we give attention to this amendment, because it does, I think, draw a line which may save us some trouble in the future. Right now Minnesota is having trouble with South Dakota with regard to migratory birds. The South Dakotans refuse to let us hunt in South Dakota, and we do not know whether the Supreme Court will sustain us or not, but a provision such as this would have saved us the trouble that our duck hunters are experiencing.

Mr. GRAHAM. But that is a matter of intrastate and interstate concern and does not apply to foreign waters.

Mr. McCARTHY. These will be interstate waters once the boundaries have been redefined.

Mr. GRAHAM. Not altogether, no; there will be the broad ocean also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. COLMER].

The question was taken; and on a division (demanded by Mr. COLMER) there were—ayes 32, noes 77.

So the amendment was rejected.

Mr. COLMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLMER: On page 6, line 4, after the words "State resources", insert "subject to the condition

that there shall be no unreasonable disparity between the treatment by a State or its grantees of its citizens and the treatment by such State and its grantees of the citizens of another State in the management, administration, controlling, use, licensing, and taking of fish, shrimp, and other migratory marine animal life."

Mr. GRAHAM. Mr. Chairman, I make the point of order that the amendment is not in order because it is merely the same amendment offered at another place.

Mr. COLMER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. COLMER. Mr. Chairman, we disagree with the learned gentleman from Pennsylvania. The first amendment offered went to the whole question of resources affected: oil, minerals, and other matters. *This merely goes to fish,* shrimp, and other migratory marine life. *I hope that the distinguished chairman* of the committee will accept this amendment.

The CHAIRMAN. The Chair believes that the amendment is different in wording; therefore overrules the point of order.

Mr. COLMER. Mr. Chairman, of course, I realize what we are up against here today. I am not going to term it steamrollering as has been charged here today, but it is no different from any other proceedings that we have had here in the past. This is just another case of a legislative committee bringing out a bill and taking the position that the bill is sacred and there must not be any i's dotted or t's crossed.

This amendment is the same proposition that I argued here a moment ago, but, as I pointed out in response to the Chair and in response to the objection of the learned gentleman from Pennsylvania, it only affects marine life, while my first amendment covered all resources. That is the point we are concerned about, that is the point that we wish to have restated if it must be restated so that we can stop so far as possible these interstate squabbles. We like to live in peace with our neighbors, we do not want to be squabbling with them and all we are asking here is, according to my ordinarily genial friend from Pennsylvania's contention, for a restatement that that be the law.

I hope that some of that milk of human kindness that pervades him ordinarily when he sits on the aisle will assert itself in his position of authority here and in his desire for protecting the sacredness of the committee bill as it is brought out. I hope the gentleman will accept the amendment; otherwise I realize fully that there is little hope of its adoption in view of what just happened on my first amendment.

But, Mr. Chairman, if this effort does prove to be futile as we have indicated we now suspect so far as the adoption of the amendment is concerned, it is nevertheless comforting to know that it has at least served the purpose of having made the record. And while the amendment may not prevail as part of the law, the debate will indicate conclusively that it is the opinion of the chairman of the Judiciary Committee of the House and the chairman of the subcommittee of the Judiciary Committee of the House as well as the opinion of the House that the substance of the amendment is presently the law of the land. And furthermore that the refusal of the amendment is based entirely and exclusively upon the opinion of the Judiciary Committee and of the House that the provisions of the amendment are now the law and therefore that there is no necessity for a restatement of it in the bill.

Mr. GRAHAM. Mr. Chairman, I rise in opposition to the pending amendment. I thank the gentleman from Mississippi for his fine compliment.

Mr. Chairman, it has always been my understanding that anything of a migratory nature, like migratory birds and such, must be settled by treaty or compact. This whole matter can be settled as between the States of Mississippi and Louisiana or between the States south thereof by a compact.

The argument we advanced in the other case applies here. This is limited to fish, but is no different in our dealing with it than the other. We object to the amendment and we ask for its defeat.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Mississippi.

Mr. COLMER. The gentleman spoke of compacts. We entered into a compact down in these Southern States on the Gulf of Mexico here a couple of years ago and on the floor of this House I offered an amendment of similar import that would maintain the status quo, which was adopted and passed unanimously by the House. That is what we are asking you to do here now—to have a restatement of that and a protection of our rights and to stop this squabbling.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. COLMER].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 25, noes 61.

So the amendment was rejected.

Mr. FISHER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise in support of H. R. 2948. This bill gives the States nothing whatever. It simply confirms title in the States to that which they have always owned—namely the lands within their historic boundaries. It goes a little further to deal with police powers in the Continental Shelf areas beyond but adjacent to the boundaries of the States. The bill also deals with existing leases and permits the States to exercise conservation rights in that area, and to facilitate the exploration and production of minerals within and beyond those historic boundaries in the Continental Shelf.

This legislation is long overdue. I introduced a bill on the subject at the beginning of this session and it was considered, along with a number of others, by the Judiciary Committee. My bill—as did the original Walter bill which the House passed 2 years ago—went a little further than H. R. 2948, as reported, goes. It provided that the coastal States would have 37½ percent of the revenue from the Continental Shelf areas. This was patterned after existing division of income from public lands, where the States now get 37½ percent of the revenues from such lands. But the committee, in its wisdom, has seen fit to leave that phase of the proposal out of this measure. It is indicated that subject will be dealt with in other legislation later on.

Mr. Chairman, there are many compelling reasons why this legislation should be enacted. Many of those reasons have already been thoroughly explored and debated. It should be kept in mind that the Supreme Court in the California, Texas, and Louisiana cases reversed the decision of that Court over a period of more than 100 years. The historic boundaries of the coastal States, which are here confirmed, were first recognized by the Supreme Court in the case of *Pollard* v. *Hagen* (3 How. 219) more than 100 years ago. That case has been approved and followed by the Supreme Court more than 50 times since then, and was only recently overruled by the decisions I just referred to. In addition, 49 opinions of the Attorney General of the United States have been to the same effect, as were 31 statements of the Solicitors and Secretaries of the Department of Interior. Mr. Ickes himself said in 1933, in his now historic reply to an application for a Federal lease by one Proctor:

> The foregoing (case of *Hardin* v. *Jordan*) is a statement of the settled law and therefore no rights can be granted to you either under the leasing act of February 25, 1920 (41 Stat. 437), or under any other public land law to the bed of the Pacific Ocean either within or without the 3-mile limit. Title to soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State.

In other words, even as late as 1933 the decisions of the Supreme Court with respect to the title of the States to soil beneath all navigable waters, seaward or inland, was recognized.

But, in the twinkling of an eye, the Supreme Court in the California case, followed by the Texas and Louisiana cases, threw overboard hundreds of years of law going far back into English history and carried forward by our own Supreme Court. A new and terrifying constitutional doctrine was announced. This marked a significant shift of constitutional relationship of the States and the Federal Government. We are now, by this legislation, attempting to correct that unfortunate judicial mistake and return to fundamental principles.

TIDELANDS GRAB WAS DANGEROUS

Mr. Chairman, this new theory of power in the Federal Government is fraught with much danger. It strikes at basic principles of States rights. It marks a usurpation of power in the Federal Government never dreamed of by the makers of the Constitution when all powers not expressly given to the central government were preserved to the States and to the people. It could easily be an opening step on the path of nationalization and socialization of our resources and the taking of property belonging to the States and to the people, without just compensation.

The actions of the Supreme Court have aroused the people and the American bar. Prof. James William Moore, of Yale, recently wrote an article in the Baylor Law Review in which he characterized the Court's action in the Texas case as "expropriation by judicial fiat."

In the May 1948 issue of Marquette Law Review appeared an article entitled "Title to Lands in Navigable Waters," which said:

> In view of the foregoing, the author submits that the United States Supreme Court is wrong in its decision in the California tidelands case. * * * The Court's holding in effect sanctions the confiscation by the Federal Government of the tidelands oil properties, title to which, historically and by settled rule of property law is vested in the States.

The precedent thus established by the Supreme Court in these recent decisions is fraught with grave implications. The rule is that he who owns the open seas adjacent to the shores owns the inland waters because they partake of the nature of the open seas. It follows, or may very well follow, that since the United States is determined to be the owner of the land under the open seas, adjacent to the coasts, it also owns the land under the inland waters. That includes lakes, streams, harbors, bays, estuaries, and the like.

There is no way of knowing where this dangerous doctrine could lead. The Supreme Court in its recent decisions has referred to the needs of national defense in extending the ownership of the Federal Government into the submerged lands, historically recognized as belonging to the States. Mr. Justice Frankfurter, in his able dissenting opinion, said:

> The needs of defense and foreign affairs alone cannot transfer ownership of an ocean bed from a State to the Federal Government any more than they could transfer iron ore under uplands from State to Federal ownership. National responsibility is no greater in respect to the marginal sea than it is toward every other particle of American territory.

It has been very correctly said that it would, indeed, be an easy jump from the California and Texas holdings to nationalization or utilization of the Federal Government of all natural resources, regardless of where found.

SHADES OF LENIN

Mr. Chairman, I say this trend is a most dangerous thing. Is it any wonder that practically every attorney general and every governor in the Nation has become aroused and has urged this action by the Congress? The modern doctrine of paramount rights of the Federal Government, as enunciated by these Supreme Court decisions, is certainly not too far removed from the teachings of Lenin and Marx.

Mr. Nathan Bidwell, a distinguished Massachusetts lawyer, in an article which appeared in the Massachusetts Bar Bulletin in October 1950 called attention to this trend in these words:

> The doctrine laid down in these decisions finds its parallel in the writings of Marx, Lenin, and the platforms and principles of the National Socialist Party, in all of which it is provided that * * * property should be taken without compensation on the basis of need for all the people regardless of the law of the land.

In short, these modern decisions are consistent with and may very well lead to nationalization and to expanded Federal sovereignty at the expense of the States.

THE TEXAS CASE

Mr. Chairman, I wish now to address myself briefly to the Texas case. Ours is a little different from that of other States, because we came into the Union under different terms and conditions, and our historic boundaries extend 10½ miles seaward. This is not an idle claim. It is an historic fact growing out of a solemn agreement. In that respect, the very honor of the Federal Government is involved.

In discussing this phase of the subject, I should like to draw upon the findings and reasoning of Mr. Ben H. Carpenter, of Dallas, Tex., who made an exhaustive study of the history of the negotiations which led to the admission of Texas to statehood.

As Mr. Carpenter pointed out, it must be remembered that Texas was an independent nation prior to joining the United States. It negotiated its own affiliation with the United States acting in this capacity just as Canada or Mexico might theoretically do under similar circumstances today. The State of Texas was not created by the Federal Government out of territories that it already possessed and owned.

After winning its independence from Mexico on the battlefield of San Jacinto in 1836, Mr. Carpenter reminds, the First Congress of the Republic of Texas fixed its limits by a boundary act of December 19, 1836, as follows:

> Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande.

Thereafter, in 1837, President Andrew Jackson advised the Congress of the United States, as follows:

> The title of Texas to the territory she claims is identified with her independence.

That condition obtained in 1844 when Texas was still an independent nation. It was recognized as such not only by the United States but also by the nations of Europe. The Republic of Texas at that time admittedly owned and held sovereignty over all the public lands within its boundaries. As has been pointed out those boundaries had been fixed. They extended 3 leagues seaward. Four years later that fact was recognized again by the United States, and wrote into the Treaty of Guadalupe-Hidalgo a description of the boundary between the United States and Mexico beginning at a point 3 leagues seaward from the mouth of the Rio Grande.

The negotiations for an annexation treaty began in 1844. The State Department drafted a treaty which, among other things, provided that all of the public lands of the Republic of Texas should become the public lands of the United States—just as some courts and politicians would make them today. That same treaty also required the Federal Government to assume the public debt of the Republic of Texas—just as was done for each of the original colonies, and has been done with respect to each of the other States that have been admitted.

That treaty, with those provisions, was submitted to the United States Senate for ratification, and was rejected, by a vote of 36 to 16. In Senate debate it was claimed that the public, unappropriated lands of Texas were worthless and it was said all the lands in Texas are not worth $10,000,000—the approximate amount of the debts at that time.

A year later a joint resolution was passed by the House and Senate which offered Texas annexation on terms set out in the resolution. There it was provided that the State of Texas should pay all of the debts of the Republic of Texas and that the State should retain title to all of the vacant and unappropriated lands within its boundaries.

There was then no argument, no confusion, with respect to the boundaries of the new State. Texas approved the annexation proposal. The boundaries had been recognized specifically by three Presidents—Jackson, Tyler, and Polk. The latter, on June 15, 1845, gave this assurance to the people of Texas:

> Of course, I would maintain the Texas title to the extent she claims it to be.

Thereafter no question arose until the strange Supreme Court decision of recent date, which had the effect of repudiating the agreement made by the United States in the annexation agreement. The three-league boundary was surveyed and agreed upon as the international boundary between the United States and Mexico in 1911. For a hundred years there was no question raised by any one about the binding effect of the agreement upon which the Republic of Texas yielded its sovereignty as a nation and became a State in the Union. Every act that occurred, every word that was spoken, recognized the binding effect of that agreement. For over 100 years Texas has had possession of these submerged lands—comprising an estimated 277,906,000 acres—and has administered them accordingly, and its ownership has been recognized by all parties, including the United States Government.

But 4 members of the Supreme Court, in a 4-to-3 decision, have completely ignored provisions of the annexation contract by which Texas retained these lands and minerals. In that decision the Supreme Court has undertaken to alter the acts and facts of history after they have already occurred.

Mr. Carpenter very properly pointed out that the Texas tidelands case marked the first time in the history of the United States that the Supreme Court has chosen to disregard the contractual obligations of the Federal Government in a written agreement between the United States and another nation made in good faith by both parties. In both its internal and external relations, the United States stood by its agreement for more than 100 years. The State of Texas stood by its agreement. It paid its public debt which it assumed as a condition to statehood. It has kept, maintained, and administered its submerged public lands, which it specifically retained, as a part of that bargain.

Mr. Chairman, if the Federal Government should be permitted to get by with its repudiation, and now 100 years later be permitted to gobble up the submerged public lands which it specifically recognized as belonging to Texas when it was admitted, then it should at least go farther and agree to pay the public debt of the Republic of Texas, plus accumulated interest. If it should do that, with 6-percent interest since 1845—the legal rate in Texas—payable annually as it accrued, the total amount would now be nearly $7 billion. I wonder how many of our friends who are now sanctioning the repudiation by the United States of its agreement with respect to now claiming the public lands, are now willing to introduce bills to reimburse Texas for its public debts?

Mr. Chairman, the pending bill should be passed, and I believe it will be by an overwhelming vote.

Mr. McDONOUGH. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I recognize this issue as an invasion of States rights and favor the passage of the pending bill.

Mr. Chairman, California for some time has been a focal point in the controversy over the issue of States rights in which the Federal Government has laid claim upon the tidelands which extend along the coast of California for 1,200 miles.

The 10th amendment to the Constitution provides that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Under this provision, for more than a century in California and other States of the Nation, the rights of the States and their people to the ownership and full enjoyment of all lands beneath navigable waters within their boundaries were recognized by the Federal Government.

The boundary of the State of California, as provided in the State constitution, extends 3 miles into the Pacific Ocean and includes all islands along and adjacent to its coast. Sole ownership of this area by the State has always been recognized by the Federal Government and all of its departments and agencies until a little over a decade ago. As late as September 22, 1933, in answer to a letter addressed to him by an applicant for a leasing permit from the Federal Government, Secretary of the Interior Harold L. Ickes gave the following written reply to the applicant:

> Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State.

About 3 years later, however, Secretary of the Interior Ickes changed his mind and decided to seek to establish ownership and control in the United States over these lands. Efforts were made unsuccessfully to have the Congress declare these lands the property of the Federal Government.

When Congress failed to declare the tidelands the property of the Federal Government, proceedings were instituted in the Supreme Court, and a decision rendered which declined to hold that the United States was the owner of the tidelands, but stated that California was not the owner of these lands.

As a result of this decision, the title to the tidelands in California and in the other States has remained in controversy to the present with the subsequent confusion.

As an example, in California our great harbors are clouded by the Supreme Court decision. Our world-renowned public beaches and shoreline recreational developments are at a standstill until the State's ownership of tidelands is reaffirmed. One city alone, Long Beach, finds many of its important community projects paralyzed until the matter is cleared up.

Thousands of homes and pieces of land owned by thousands of persons are up in the air while the issue of whether or not the Federal Government is to be empowered to take at will, and without compensation, such lands as it needs or wants is still to be decided.

To illustrate what this means to real estate in California, the California tidelands in dispute include the land under San Francisco's ferry building and the land under San Diego's civic center and municipal airport. Half of Los Angeles Harbor and much of Long Beach Harbor are of uncertain status.

In the claims of the Federal Government for title to the tidelands, much has been made of the oil deposits under the tideland area in California, as well as in other States, and the need for Federal control for the preservation of natural resources. In the case of California, however, the facts show that oil deposits are actually found under only 15 miles of California's coastline, and half of the estimated oil supply in those pools has already been extracted.

The State of California is the guardian of all the rich natural resources so important to our natural resources within the boundaries of the State, and shares equal concern with the Federal Government for the development and protection of these resources.

The 1,200-mile coastline tidelands area of California is one of the State's greatest natural resources. Hundreds of millions of dollars have been spent by the State and its citizens on harbors, fisheries, pleasure resorts, and other uses essential to the orderly development of the State. The cities and counties of California have additional plans for the use of the tidelands. But if the tidelands question is not settled, these plans are retarded, and if title should be granted to the Federal Government, the people of California and the other States involved would be subordinated to the Federal Government in these matters.

I believe that equity calls for the confirmation of the title of these lands to the States as provided for in H. R. 4198.

Only the Congress can resolve the long-standing controversy between the States of the Union and the departments of the Federal Government over the ownership and control of submerged lands, and the longer this controversy is permitted to continue, the more vexatious and confused it becomes. In addition, much-needed improvements of these lands and the devolpment of strategic natural resources within them has been seriously retarded.

This bill would confirm and establish the rights and claims of the 48 States, asserted and exercised by them throughout our country's history, to the lands beneath navigable waters within State boundaries and the resources within such lands and waters, and would end the controversy which has been blocking development of the tidelands since 1938.

I sincerely urge favorable action on H. R. 4198 which would establish the legal title of the States to the tidelands areas, as defined in this legislation.

Mr. McCARTHY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. McCARTHY: On page 6, strike out section 3 (b) (3) and insert the following in lieu thereof:
>
> "SEC. 3 (b) (3). The Secretary or the Treasurer of the United States shall retain all moneys received from the issuing of leases covering such lands or natural resources prior to the effective date of this act, except that portion of such moneys which the Secretary is obligated to return to a lessee."

Mr. McCARTHY. Mr. Chairman, the purpose of this amendment is to establish some kind of reciprocity. If you will examine the text of the bill on page 6, in paragraph 3, you will find this language:

> The Secretary or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary or to the Treasurer of the United States—

And so forth. If you will turn to page 22, you will find these words in section 14:

> No State, or political subdivision, grantee or lessee shall be liable to or required to account to the United States in any way for entering upon, using, exploring for, developing, producing, or disposing of natural resources from lands of the outer Continental Shelf prior to June 5, 1950.

My argument is that if you are going to excuse the States from making these repayments, in the event that this decision should turn against the States, you should also extend the same privilege to the United States Government. I think the issue is clear enough. It is the responsibility of the members of the committee which brought in this bill to defend the distinctions that they have made, the contradictions which they have provided for here.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from Texas.

Mr. WILSON of Texas. Do I understand the amendment to stop any payment back to the States or to allow it to the lessees?

Mr. McCARTHY. That is right; except as obligated to lessees.

Mr. WILSON of Texas. Now presently owning leases.

Mr. McCARTHY. That is right; those who have the claims.

Mr. WILSON of Texas. Of all the money that has been paid into the Treasury since these cases by the Supreme Court; is that true?

Mr. McCARTHY. Up to the enactment of this legislation.

Mr. WILSON of Texas. I mean, how far back does that go? That is the main question.

Mr. McCARTHY. During such time as the Federal Government has made leases.

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, does the gentleman realize that this proposed amendment would be diametrically opposite to the purport and intention and provision with repect to the States as of the date of the passage of the law as against immediately subsequent thereto?

Mr. McCARTHY. Not any more than the provision in the act that the States should not be required to make repayments. As a matter of fact, the court decisions argue for the adoption of my amendment rather than the position the gentleman is advocating. Three Supreme Court decisions support it. At the present time we are operating under the decisions of the Supreme Court.

Mr. WILSON of Texas. Does the gentleman understand that his amendment is to title II, which is only the land under the sea within the State's historic boundaries?

Mr. McCARTHY. That is right. I have asked the committee to justify the discrimination that they have provided in the bill. Do not ask me to defend my amendment until you have explained your discriminatory provision.

Mr. WILSON of Texas. You mean where this bill restores that property to the States, you want the Federal Government to keep the money?

Mr. McCARTHY. You want the States to keep it in the event it goes to the Federal Government.

Mr. WILSON of Texas. If this bill is passed, this property will be restored to the States, and yet you want the Federal Government to keep the money.

Mr. McCARTHY. That is correct, to retain all it has collected up to this point, other than what is obligated.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WILSON of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment, as stated by the gentleman from Minnesota, merely means this: Bear in mind that this is title II, the title that returns or restores this seaward boundary within the historical boundaries of the States to the States and means that he would not require the Federal Government to return this lease money paid by these lessees who have leases from the States to the States. That, of course, I think would be wrong. This property belongs to the States. We say it has always belonged to the States. We say they have been entitled to the lease money at all times, and are now and will be in the future. So it would certainly be a futile gesture and would be wrong morally and legally to say that they are not entitled to the lease money paid to them by lessees under leases that have already been executed and enforced. We think that the amendment should be voted down.

Mr. McCARTHY. In the resolution which was introduced here last year dealing with this problem, Senate Joint Resolution 20, that same provision was made, and that is all we are asking you to do here. I am surprised the gentleman said that they are asking for 100 percent. Now it appears they want 100 percent plus. I think you ought to be satisfied with the grant of the land beneath the marginal sea.

Mr. WILSON of Texas. We certainly would not have 100 percent plus if you took all the lease money away from us, even though you returned the property out to the historic boundary.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield to the gentleman from California.

Mr. HOSMER. Would not this be a diametrically opposed provision to the whole spirit and intent of this bill?

Mr. WILSON of Texas. It certainly would.

Mr. HOSMER. Would it not complicate and create great legal difficulties with respect to the moneys that are now impounded awaiting settlement of this dispute?

Mr. WILSON of Texas. I think the gentleman is right.

Mr. HOSMER. Practically insurmountable difficulties.

Mr. WILSON of Texas. I think so.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield to the gentleman from Indiana.

Mr. HALLECK. I would like to understand the situation. This money has been impounded, as I understand, subject to final determination as to who really is entitled to it?

Mr. WILSON of Texas. That is right.

Mr. HOSMER. So that it would not involve any effect on the budgetary situation, it would not involve going out raising the money by taxation or borrowing to make these payments. It simply would transfer to the States the money that has been impounded during the time of this trial?

Mr. WILSON of Texas. That is right. After the decision of the Supreme Court, they enjoined the States from accepting this money. The lessees started paying the money in to the Secretary of the Interior, impounding the money. Then when President Truman ordered that it be transferred to the Navy, that was all sent over to the Navy, so the Navy is holding those funds now which belong to the States and which should go back to the States, and which the gentleman wants to keep in the Federal Government.

Mr. HALLECK. If we stick to the provisions of the bill, then we are just being consistent with respect to the title to the land within the historic boundaries?

Mr. WILSON of Texas. That is true.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield to the gentleman from Minnesota.

Mr. McCARTHY. I think the gentleman from Indiana should examine the provisions on page 22 also, which provide that the money which the States have received shall go to the States even though the decision might go against them. This thing ought to work both ways.

Mr. HALLECK. I think we are here making the decision. I have thought all the time that this is a matter for the Congress of the United States to determine as a matter of legislative policy, and that we are here making the decision.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield to the gentleman from California.

Mr. HILLINGS. Is it not true that the moneys referred to on page 22 of the bill have to do with the so-called outer Continental Shelf area beyond the historic boundaries, and the moneys referred to in the case of the amendment offered by the gentleman from Minnesota refer to the area within the historic boundaries?

Mr. WILSON of Texas. That is entirely right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. McCARTHY) there were—ayes 17, noes 91.

So the amendment was rejected.

Mr. GRAHAM. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

Mr. YATES. I object at this time, Mr. Chairman.

The Clerk read as follows:

SEC. 4. Seaward boundaries: The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographical miles distant from its coast line. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coast line, or to the International Boundary of the United States in the Great Lakes, or any body of water traversed by such boundary. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by any treaty ratified by the Senate of the United States or by an act of Congress or by the constitution or laws of a State prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 9, line 7, after the word "boundaries" strike out the remainder of line 7 and all lines thereafter through line 19.

Mr. YATES. Mr. Chairman, the purpose of my amendment is to follow up my question of a few moments ago, "Where oh where is the seaward boundary of the State of Louisiana?" I think

I was able to demonstrate in my colloquy with the gentlemen who favor this bill, that we do not know where the seaward boundaries of the Gulf States are located.

Those who favor this bill have made the argument that its purpose is to establish definitely and once and for all the legal boundaries of the States, to confirm title within those boundaries to the States and to end the indecision which now prevents the exploitation of the submerged lands. To my mind the language which I sought to strike is contrary to that purpose and is in fact an invitation to continuation of the litigation between the coastal States and the Federal Government. The line 3 miles distant from the low water mark which is granted to the coastal States hereunder is only a temporary stop in the movement of some of the Gulf States to grasp the entire Continental Shelf. If 3 miles were to be the limitation for States other than Texas, why does not the bill say so specifically? The language is completely ambiguous and I do not believe anybody in this House knows all the claims which will be made by the States for additional interest in the wealth of the Continental Shelf beyond their 3-mile beginning.

Secondly, if the purpose of this legislation is to confirm title to the States in inland waters, that purpose is served by other sections of the bill. The language which I seek to strike has no relation to that purpose at all.

We all know that the Constitution contains the clause that all entering States shall be on an equal footing as they come into the Federal Union. This language gives special privilege to the coastal States. The New England States, the Atlantic Seaboard States, the Pacific States all have seaward boundaries 3 miles distant from the low point on the shore. The only States for whom this language is inserted are those on the Gulf of Mexico. Why should these be given special benefits? Certainly it is in the national interest that we have a uniform 3-mile boundary around the United States without deviation because of claims which the Supreme Court of the United States has already held invalid.

Thirdly, I think it is important that the language be stricken in the interests of our foreign policy. Is it not to our interest to maintain the necessity for a uniform 3-mile limit when we see the Soviet Union today claiming a strip in its territorial sea extending 12 miles from its shore? Mexico claims a boundary extending 9 miles from its shore line. Equador claims exclusive fishing rights within 15 miles of its coast. Iran claims 6 miles into the strategic Persian Gulf. What should our boundary be in the Gulf of Mexico? With the indecision written into this bill by the language covered by my amendment, nobody knows what the claims of the Gulf Coast States will be, and I suggest that our agents who have the task of objecting to expansion of foreign powers beyond their 3-mile limits may find this bill difficult to explain.

Let me read to you from a letter written by Assistant Secretary of State, a former Member of this House, Hon. Thruston B. Morton, of Kentucky, which letter was written to the chairman of the Committee on Interior and Insular Affairs of the other body on March 4, 1953. He says:

A change of position regarding the 3-mile limit on the part of this Government is very likely, as past experience in related fields establishes, to be seized upon by other States as justification or excuse for broader or even extravagant claims over their adjacent seas. Hence, a realistic appraisal of the situation would seem to indicate that this Government should adhere to the 3-mile limit until such time as it is determined that the interest of the Nation as a whole would be better served by a change or modification of that policy.

As I see it, this letter states the intention of the President-to-be that he favors the 3-mile limit. I am inclined to think the viewpoint is sound for the reason that it is extremely difficult for the United States to protect the claim of any one of its States beyond the 3-mile limit, as it would have to do. Historically, since 1793, the United States has claimed only 3 miles and I do not believe that the admission of Louisiana and Texas into the Union warrants the conclusion that this altered our original claim. I believe, too, that it comes a little hard to reconcile our national policy of freedom of the high seas with the claims made by Gulf States of more than 100 miles into the ocean.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. WILSON of Texas. The gentleman's amendment would restrict the seaward boundary of all the States of the Union to 3 miles including the boundary of the State of Texas, which came into the Union under a treaty, would it not?

Mr. YATES. I know of no such treaty. Texas came in under a joint resolution, and my amendment would limit its boundary.

Is it not to our best interests to settle this question once and for all rather than inviting Texas to come in at a later time to say it has claims beyond 3 leagues. Let us settle the matter now instead of having Louisiana come in at a later time to sue the Federal Government for claims way beyond the 3-mile limit. I think it is better that as we legislate now, that we declare now that it is in the national interest for the seaward boundary of the United States, regardless of what State boundaries may be claimed, to be 3 miles from the shore line. We will then have a uniform boundary line all around our Nation. Beyond that line will lie the sphere of the Federal Government and international questions.

Mr. WILSON of Texas. Mr. Chairman, I rise in opposition to the amendment.

As I understand, the gentleman's amendment strikes out on page 9 certain words beginning in line 7.

Mr. YATES. Beginning in line 7 with the words, "Any claim heretofore."

Mr. WILSON of Texas. The effect of this amendment would be that the seaward boundary of every State in the Union, coastal States, or Great Lakes States would be limited to 3 miles which would, in fact, put the rights under which Texas claims, and that is the treaty when it came into the Union, of three leagues, which is 10½ miles—this whole paragraph provides:

SEC. 4. Seaward boundaries: The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographical miles distant from its coast line. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coast line or to the international boundary of the United States in the Great Lakes, or any body of water traversed by such boundary. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by any treaty ratified by the Senate of the United States or by an act of Congress or by the constitution or laws of a State prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

Certainly we do not want to pass a bill denying a treaty entered into by and between the United States and any State of the Union; and if we did do that it would go, of course, to the very nub of this bill in my opinion, and would deny to Texas at least, and other States, I am sure, their privileges guaranteed to them under the Constitution by right of contract and treaty and of the right to affix their historical boundaries as is provided in the bill.

I think the amendment should be defeated.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield.

Mr. HILLINGS. Mr. Chairman, I agree with the gentleman from Texas. The amendment would have Congress take away from certain States the rights which they now have. I want to read paragraph 3 on page 6 of the report which I think may help throw some light on the subject. It reads:

Title II authorizes and confirms the boundaries of coastal States to be 3 geographical miles distant from its coastline or the international boundary in the Great Lakes or any body of water traversed by such boundary. While it approves claims of States to so extend their boundaries to that line, it provides further that section 4 of the act is not to prejudice the existence of any State's historic seaward boundary into the Atlantic or Pacific Oceans, or the Gulf of Mexico or any of the Great Lakes beyond these 3 miles if it was so provided by any treaty of the United States, or any act of Congress or the constitution or laws of a State prior to or when it entered the Union or has been or shall be approved by Congress.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. Let me make a statement and then I will yield.

Some Members seem to be particularly alarmed by a proposition they think is going to defeat this bill, namely about our shoving our boundaries out there beyond the 3-mile limit. Seventeen nations of the world have already shoved theirs out past the 3-mile mark, so no precedent is being created by this bill—17 foreign nations have shoved their

coastlines, their boundaries, their seaward boundaries out as far as and even farther than we propose to shove ours out in this bill. So I cannot get excited about what some state department says he would expect to happen if we took this action. We are long overdue in this field.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield.

Mr. HILLINGS. Is it not true that for the purpose of Federal customs enforcement we sometimes go 60 miles out to sea?

Mr. WILSON of Texas. That is correct.

Mr. McCARTHY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I must say I was surprised to see opposition by the majority leader of the Republican Party to the amendment which I offered previously, an amendment which in very simple terms provided that the Federal Government should be permitted to keep revenue which it had obtained in good faith in that area in which its claims have been validated by the Supreme Court while he supported a proposition that the States should be permitted to retain revenue that they have derived from an area which they never have claimed, and which even in this bill they are not claiming.

So far as the amendment offered by the gentleman from Illinois is concerned, it is a good amendment. The fiction has been developed here that somehow the claims of Texas to 10½ miles are much stronger than the claims of other States to the 3-mile limit. I would like to call your attention to some pertinent facts: In 1838 the United States and the newly formed Republic of Texas entered into a convention to establish a boundary line between the two republics, and this convention provided for the appointment of commissioners to proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine where the river enters the Gulf of Mexico to the Red River. They actually began running the line from the mouth of the river and not 3 leagues from the mouth of the river.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. No; I would like to complete my statement. If I can get additional time, I will.

Reaction to the treaty of Guadalupe Hidalgo shows clearly that other nations were concerned over this 3-league proposition. Correspondence between the United States and other nations regarding this Texas claim is most enlightening. It fails to show that Texas has any strong historical claim 10½ miles seaward.

In 1848, Mr. Buchanan, of our Government, in answer to an inquiry from the British, said:

> In answer, I have to state that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties can have no just use of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain, or any other power may possess under the law of nations.

In 1875, in another communication to the British it was stated:

> We have always understood and asserted that pursuant to public law no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast. * * * In respect to the provision in the treaty with Mexico, it may be remarked that it was probably suggested by the passage in the act of Congress referred to the 12-mile-customs rule and designed for the same purpose that of preventing smuggling.

And more recently, in June 1936, in in an attempt to settle a dispute with Mexico, the United States Government said:

> That portion of article V of the treaty of 1848 which the Mexican Foreign Office quotes relates only to the boundary line at a given point and furnishes no authority for Mexico to claim generally that its territorial waters extend 9 miles from the coast. * * * Presumably it is true as indicated by a note sent by this Department to the British Minister of January 22, 1875, that the arrangement thus made between the United States and Mexico with respect to the Gulf of Mexico was designed to prevent smuggling in the particular area covered by the arrangement. * * * To say that because the United States agreed that in one area, so far as the United States was concerned, Mexican territorial waters extended 3 leagues from land, therefore Mexico was entitled to claim such an extent of territorial waters adjacent to her entire coastline is a deduction which the terms of article V of the treaty of 1848 do not warrant.

The historic Texas claim to 10½ miles seaward is of very modern verbiage. As I pointed out in general debate yesterday, the Texas land commissioner did not even enter the acreage under the marginal sea in his reports until 1941.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 17, noes 83.

So the amendment was rejected.

Mr. GRAHAM. Mr. Chairman, I renew my unanimous-consent request that the bill be considered as read and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The balance of the bill follows:

SEC. 5. Exceptions from operation of section 3 of this act: There is excepted from the operation of section 3 of this act—

(a) all specifically described tracts or parcels of land and resources therein or improvements thereon title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the decisions of the courts of such State, or their respective grantees, or successors in interest, by cession, grant, quitclaim, or condemnation, or from any other owner or owners thereof by conveyance or by condemnation, provided such owner or owners had lawfully acquired the title to such lands and resources in accordance with the statutes or decisions of the courts of the State in which the lands are located;

(b) such lands beneath navigable waters held, or any interest in which is held by the United States for the benefit of any tribe, band, or group of Indians or for individual Indians;

(c) all improvements which are occupied and used by the United States for any Federal purpose in the marginal sea outside inland waters and the use of the underlying subsoil or land therefor: *Provided*, That no State, municipality, political subdivision, or person shall be deprived of any right under existing law to claim and receive just compensation for such use.

SEC. 6. Powers retained by the United States: (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the purposes of commerce, navigation, national defense, and international affairs, not including proprietary rights of ownership, or the rights of management, administration, leasing, use, development, and control of the lands and natural resources which are specifically recognized, confirmed, established, vested in and delegated to the respective States and others by section 3 of this act.

(b) In time of war or when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

SEC. 7. Nothing in this act shall be deemed to amend, modify, or repeal the acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto.

TITLE III

OUTER CONTINENTAL SHELF OUTSIDE STATE BOUNDARIES

SEC. 8. Jurisdiction over outer Continental Shelf: (a) It is hereby declared to be the policy of the United States that the natural resources of the subsoil and seabed of the outer Continental Shelf, appertain to the United States and are subject to its jurisdiction, control, and power of disposition as provided in this act. Federal laws now in effect or hereafter adopted shall apply to the entire area of the outer Continental Shelf. The Secretary is hereby empowered and authorized to administer the provisions of this title, and to adopt rules and regulations not inconsistent with Federal laws to apply to the area.

Except to the extent that they are inconsistent with applicable Federal laws now in effect or hereafter enacted, or such regulations as the Secretary may adopt, the laws and police powers of each coastal State which so provides shall be applicable to that portion of the adjacent outer Continental Shelf which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the Secretary shall determine and publish lines defining each such area of State jurisdiction: *Provided*, That State taxation laws within such area shall be limited to severance or production taxes and may be levied only by those States which apply and administer their conservation laws and other State governmental functions in said area: *Provided further*, That the rate of such severance or production tax shall not be in excess of the rate of said tax within State boundaries.

This act shall be construed in such manner that the character as high seas of the waters above the outer Continental Shelf and the right to their free and unimpeded navigation and navigational servitude shall not be affected.

(b) Oil and gas deposits in the outer Continental Shelf shall be subject to control and disposal only in accordance with the provisions of this act and no rights in or

claims to such deposits, whether based upon applications filed or other action taken heretofore or hereafter, shall be recognized except in accordance with the provisions of this act.

SEC. 9. Provisions for leasing outer Continental Shelf: (a) When in the Secretary's opinion there is a demand for the purchase of such leases, the Secretary may in his discretion offer for sale, on competitive sealed bidding, oil and gas leases on any area of the outer Continental Shelf. Subject to the other terms and provisions hereof, sales of leases shall be made to the responsible and qualified bidder bidding the highest cash bonus per leasing unit. Notice of sale of oil and gas leases shall be published at least 30 days before the date of sale in accordance with rules and regulations promulgated by the Secretary, which publication shall contain (i) a description of the tracts into which the area to be leased has been subdivided by the Secretary for leasing purposes, such tracts being herein called "leasing units"; (ii) the minimum bonus per acre which will be accepted by the Secretary on each leasing unit; (iii) the amount of royalty as specified hereinafter in section 9 (d); (iv) the amount of rental per acre per annum on each leasing unit as specified hereinafter in section 9 (d); and (v) the time and place at which all bids shall be opened in public.

(b) The leasing units shall be in reasonably compact form of such area and dimensions as may be determined by the Secretary, but shall not be more than 640 acres if within the known geologic structure of a producing oil or gas field and shall not be more than 2,560 acres if not within any known geologic structure of a producing oil or gas field.

(c) Oil and gas leases sold under the provisions of this section shall be for the primary terms of 5 years and shall continue so long thereafter as oil or gas is produced therefrom in paying quantities. Each lease shall contain provisions requiring the exercise of reasonable diligence, skill, and care in the operation of the lease, and requiring the lessee to conduct his operations thereon in accordance with sound and efficient oilfield practices to prevent waste of oil or gas discovered under said lease or the entrance of water through wells drilled by him to the oil or gas sands or oil- and gas-bearing strata or the injury or destruction of the oil and gas deposits.

(d) Each lease shall provide that, on or after the discovery of oil or gas, the lessee shall pay a royalty of not less than 12½ percent in amount or value of the production saved, removed, or sold from the leasing unit and, in any event, not less than $1 per acre per annum in lieu of rental for each lease year commencing after discovery in addition to any taxes imposed by Congress. If after discovery of oil or gas the production thereof should cease from any cause, the lease shall not terminate if the lessee commences additional drilling or reworking operations within 90 days thereafter or, if it be within the primary term, commences or resumes the payment or tender of rentals or commences operations for drilling or reworking on or before the rental paying date next ensuing after the expiration of 90 days from date of cessation of production. All leases issued hereunder shall be conditioned upon the payment by the lessee of a rental of $1 per acre per annum for the second and every lease year thereafter during the primary term and in lieu of drilling operations on or production from the leasing unit in addition to any taxes imposed by Congress, all such rentals to be payable on or before the beginning of each lease year.

(e) If, at the expiration of the primary term of any lease, oil or gas is not being produced in paying quantities on a leasing unit, but drilling operations are commenced not less than 180 days prior to the end of the primary term and such drilling operations or other drilling operations have been and are being diligently prosecuted and the lessee has otherwise performed his obligations under the lease, the lease shall remain in force so long as drilling operations are prosecuted with reasonable diligence and in a good and workmanlike manner, and rental paid, and if they result in the production of oil or gas so long thereafter as oil or gas is produced therefrom in paying quantities.

(f) Should a lessee in a lease issued under the provisions of title III of this act fail to comply with any of the provisions of this act or of the lease, such lease may be canceled by the Secretary because of such failure; but before such a cancellation the Secretary shall give the lessee 20 days' notice by registered mail at his last known address of the claimed defaults. If the defaults are not cured by the end of said period the Secretary may proceed to cancel the lease. Any person complaining of such cancellation may have such action reviewed in the United States District Court for the District of Columbia. If a lease or any interest therein is owned or controlled, directly or indirectly, in violation of any of the provisions of this act, the lease may be canceled, or the interest so owned or controlled may be forfeited by the Secretary as provided in this paragraph, or the person so owning or controlling the interest may be compelled to dispose of the interest in an appropriate court proceeding.

(g) The provisions of sections 17, 17 (b), 28, 30, 30 (a), 30 (b), 32, 36, and 39 of the Mineral Leasing Act to the extent that such provisions are not inconsistent with the terms of this act, are made applicable to lands leased or subject to lease by the Secretary under title III of this act.

(h) In the interest of economy and of cooperation between Federal and State leasing agencies within their respective jurisdiction, the Secretary may, but only to the extent he deems feasible, make use of facilities available to him from the adjacent States and their leasing agencies. Each lease shall contain such other terms and provisions consistent with the provisions of this act as may be prescribed by the Secretary. The Secretary may delegate his authority under this act to officers or employees of the Department of the Interior and may authorize subdelegation to the extent that he may deem proper.

(i) The Secretary may deny any application for a lease, as to which it appears that the lease, if issued, or any interest therein, would be owned or controlled, directly or by stock ownership, stockholding, stock control, trusteeship, or otherwise, by any citizen of another country, the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country. Where such ownership or control arises after a lease is granted the Secretary may then cancel the lease because thereof. Any ownership or interest described in this section which may be acquired by descent, will, judgment, or decree may be held for 2 years and not longer after its acquisition. No lands leased under the provisions of this section shall be subleased, trusteed, possessed, or controlled by any device or in any manner whatsoever so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust or form the subject in whole or in part of any contract, agreement, understanding, or conspiracy, to restrain trade or commerce in the production or sale of oil or gas or to control the price of oil or gas.

(j) Any lease obtained through the exercise of fraud or misrepresentation, or which is not performed in accordance with its terms or with this law, may by the Secretary be invalidated subject to the right of review as otherwise provided for herein.

SEC. 10. Exchange of existing State leases in outer Continental Shelf for Federal leases: (a) The Secretary is authorized and directed to issue a lease to any person in exchange for a lease covering lands in the outer Continental Shelf which was issued by any State prior to December 21, 1948, and which would have been in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing such lease had the State issuing such lease had such paramount rights in and dominion over the outer Continental Shelf as it assumed it had when it issued the lease. Any lease issued pursuant to this section shall be for a term from the effective date hereof equal to the unexpired term of the old lease, or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, the same: *Provided, however,* That, if oil or gas was not being produced from such old lease on and before December 11, 1950, or if the primary term of such lease has expired since December 11, 1950, then any such new lease shall be for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of the old lease or any extensions, renewals, or replacements authorized therein or heretofore authorized by the laws of the State issuing or whose grantee issued such lease, shall cover the same natural resources and the same portion of the Continental Shelf as the old lease, shall provide for payment to the United States of the same rentals, royalties, and other payments as are provided for in the old lease, and any taxes imposed by Congress, and shall include such other terms and provisions, consistent with the provisions of this act, as may be prescribed by the Secretary. Operations under such old lease may be conducted as therein provided until the issuance of an exchange lease hereunder or until it is determined that no such exchange lease shall be issued. No lease which has been determined by the Secretary to have been obtained by fraud or misrepresentation shall be accepted for exchange under this section. Any persons complaining of a refusal by the Secretary so to exchange a lease as herein provided may have such action reviewed in the United States District Court for the District of Columbia.

(b) No such exchange lease shall be issued unless, (i) an application therefor, accompanied by a copy of the lease from the State or its political subdivision or grantee offered in exchange, is filed with the Secretary within 6 months from the effective date of this act, or within such further period as provided in section 17 hereof, or as may be fixed from time to time by the Secretary; (ii) the applicant states in his application that the lease applied for shall be subject to the same overriding royalty obligations as the lease issued by the State or its political subdivision or grantee in addition to any taxes imposed by Congress; (iii) the applicant pays to the United States all rentals, royalties, and other sums due to the lessor under the old lease which have or may become payable after June 5, 1950, and which have not been paid to the lessor or to the Secretary under the old lease; (iv) the applicant furnishes such surety bond, if any, as the Secretary may require and complies with such other reasonable requirements as the Secretary may deem necessary to protect the interests of the United States; and (v) the applicant files with the Secretary a certificate issued by the State official or agency having jurisdiction showing that the old lease was in force and effect in accordance with its terms and provisions and the laws of the State issuing it on the applicable date provided for in subsection (a) of this section; or in the absence of such certificate, evidence in the form of affidavit, receipts, canceled checks, and other documents showing such facts.

(c) In the event any lease covers, as well as other lands, lands of the outer Continental Shelf, the provisions of this section shall apply to such lease insofar only as it covers lands of the outer Continental Shelf.

SEC. 11. Income from outer Continental Shelf: All rentals, royalties, and other sums

payable under any lease on the outer Continental Shelf for the period from June 5, 1950, to date, and thereafter shall be deposited in the Treasury of the United States.

SEC. 12. Actions involving outer Continental Shelf: Any court proceeding involving a lease or rights under a lease of a portion of the outer Continental Shelf may be instituted in the United States district court for the district in which any defendant may be found or for the district in which the leased property, or some part thereof, is located; or, if no part of the leased property is within any district, for the district nearest to the property involved.

SEC. 13. Refunds: When it appears to the satisfaction of the Secretary that any person has made a payment to the United States in connection with any lease under this act in excess of the amount he was lawfully required to pay, such excess shall be repaid to such person, his assignees, or his legal representative, if a request for repayment of such excess is filed with the Secretary within 2 years after the issuance of the lease or the making of the payment.

SEC. 14. Waiver of liability for past operations: (a) No State, or political subdivision, grantee or lessee shall be liable to or required to account to the United States in any way for entering upon, using, exploring for, developing, producing, or disposing of natural resources from lands of the outer Continental Shelf prior to June 5, 1950.

(b) If it shall be determined by appropriate court action that fraud has been practiced in the obtaining of any lease referred to herein or in the operations thereunder, the waivers provided in this section shall not be effective.

SEC. 15. Powers reserved to the United States: The United States reserves and retains—

(a) in time of war or when necessary for national defense, and when so prescribed by the Congress or the President, in addition to any and all other rights it may have under the law, the right (i) of first refusal to purchase all or any portion of the oil or gas that may be produced from the outer Continental Shelf; (ii) to terminate any lease issued or authorized pursuant to or validated by title III of this act, in which event the United States shall become the owner of wells, fixtures, and improvements located on the area of such lease and shall be liable to the lessee for just compensation for such leaseholds, wells, fixtures, and improvements, to be determined as in the case of condemnation; (iii) to suspend operations under any lease issued or authorized pursuant to or validated by title III of this act, in which event the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States; and payment of rentals, minimum royalty, and royalty prescribed by such lease shall likewise be suspended during any period of suspension of operations, and the term of any suspended lease shall be extended by adding thereto any suspension period;

(b) the right to designate by and through the Secretary of Defense, with the approval of the President, as areas restricted from the exploration and operation that part of the Continental Shelf needed for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on any part of the surface of such area except with the concurrence of the Secretary of Defense; and if operations or production under any lease theretofore issued on lands within any such restricted area shall be suspended, any payment of rentals, minimum royalty, and royalty prescribed by such lease likewise shall be suspended during such period of suspension of operation and production, and the term of such lease shall be extended by adding thereto any such suspension period, and the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States; and

(c) the ownership of and the right to extract helium from all gas produced from the outer Continental Shelf, subject to any lease issued pursuant to or validated by this act under such general rules and regulations as shall be prescribed by the Secretary, but in the extraction of helium from such gas it shall be so extracted as to cause no substantial delay in the delivery of gas produced to the purchaser of such gas.

SEC. 16. Geological and geophysical explorations: The right of any person, subject to applicable provisions of law, and of any agency of the United States to conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease issued pursuant to this act, is hereby recognized.

SEC. 17. Interpleader and interim arrangements: (a) Not withstanding the other provisions of this act, if any lessee under any lease of submerged lands granted by any State, its political subdivisions, or grantees, prior to the effective date of this act, shall file with the Secretary a certificate executed by such lessee under oath and stating that doubt exists (i) as to whether an area covered by such lease lies within the outer Continental Shelf, or (ii) as to whom the rentals, royalties, or other sums payable under such lease are lawfully payable, or (iii) as to the validity of the claims of the State which issued, or whose political subdivision or grantee issued, such lease to the area covered by the lease and that such claims have not been determined by a final judgment of a court of competent jurisdiction—

(1) the lessee may interplead the United States and, with their consent, the State or States concerned, in an action filed in the United States District Court for the District of Columbia, and, in the event of State consent to be interpleaded, deposit with the clerk of that court all rentals, royalties, and other sums payable under such lease after filing of such certificate, and such deposit shall be full performance of the lessee's obligation under such lease to make such payments; or

(2) the lessee may continue to pay all rentals, royalties, and other sums payable under such lease to the State, its political subdivisions, or grantees, as in the lease provided, until it is determined by final judgment of a court of competent jurisdiction that such rentals, royalties, and other sums should be paid otherwise, and thereafter such rentals, royalties, and other sums shall be paid by said lessee in accordance with the determination of such final judgment. In the event it shall be determined by such final judgment that the United States is entitled to any moneys theretofore paid to any State or political subdivision, or grantee thereof, such State, its political subdivision, or grantee, as the case may be, shall promptly account to the United States therefor; and

(3) the lessee of any such lease may file application for an exchange lease under section 8 hereof at any time prior to the expiration of 6 months after it is determined by final judgment of a court of competent jurisdiction that the claims of the State which issued, or whose political subdivision or grantee issued, such lease to the area covered by the lease are invalid as against the United States and that the lands covered by such lease are within the outer Continental Shelf.

(b) If any area of the outer Continental Shelf or other lands covered by this act included in any lease issued by a State or its political subdivision or grantee is involved in litigation between the United States and such State, its political subdivision, or grantee, the lessee in such lease shall have the right to intervene in such action and deposit with the clerk of the court in which such case is pending any rentals, royalties, and other sums payable under the lease subsequent to the effective date of this act, and such deposit shall be full discharge and acquittance of the lessee for any payment so made.

SEC. 18. Executive Order No. 10426, dated January 16, 1953, entitled "Setting Aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve," is hereby revoked.

SEC. 19. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

SEC. 20. Separability: If any provision of this act or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby; without limiting the generality of the foregoing, if subsections 3 (a) 1, 3 (a) 2, 3 (b) 1, 3 (b) 2, 3 (b) 3 or 3 (c) or any provision of any of those subsections is held invalid, such subsection or provision shall be held separable and the remaining subsections and provisions shall not be affected thereby.

Mr. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEATING: Page 12, line 9, strike out the paragraph extending to line 24 and insert in lieu thereof the following:

"Except to the extent that they are inconsistent with applicable Federal laws now in effect or hereafter enacted, or such regulations as the Secretary may adopt, the laws of each coastal State which so provides shall be applicable to that portion of the outer Continental Shelf which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the Secretary shall determine and publish lines defining each such area of State jurisdiction: *Provided, however,* That State taxation laws shall not apply in such areas of the outer Continental Shelf. The Secretary shall reimburse the abutting States in the amount of the reasonable costs of the administration of such laws."

Mr. KEATING. Mr. Chairman, the purpose of this amendment is to strike from the bill the provision permitting the States to impose severance and production taxes on the extraction of natural resources from the outer Continental Shelf. The subcommittee, which gave many weeks of consideration to this measure, proposed a bill without this provision and incorporating instead the language that I now offer. The full committee, however, due to the extremely persuasive abilities of my friends, the gentleman from Texas [Mr. WILSON] and the gentleman from Louisiana [Mr. WILLIS], reversed the subcommittee.

I must emphasize that we are dealing here with the outer Continental Shelf, an area over which no State has or claims to have any historic jurisdiction. My concern is for the taxpayers of the United States, for in truth it would be their money we would be generous with, if we leave the present wording in the bill.

The tax imposed by the adjacent States would fall, at least indirectly, on the United States, the landlord of this area, since the terms of any lease entered into would have to be fixed in order to permit the lessees a fair return and a proper incentive to develop the area. Therefore, in order to grant this tax

windfall to a few States, it would necessarily come from the pockets and pay envelopes of Federal taxpayers.

Our forefathers stoutly declared that taxation without representation is tyranny; we might add as a minor footnote that taxation without jurisdiction is larceny.

Even today, when production on the Continental Shelf is hardly started, the amounts involved are not inconsiderable. The Louisiana severance tax amounts to from 18 to 26 cents a barrel, depending on the specific gravity of the oil produced. Production from the area of the outer Continental Shelf, according to Department of Interior figures, is now more than 5,000 barrels a day off Louisiana. The take, in severance taxes on oil alone, without considering natural gas or condensate, is better than $1,000 a day—$350,000 a year. The State police could tour the present installations in yachts that would make Farouk green with envy, and, as more wells were developed, the take would increase.

The truth of the matter is that the Coast Guard and the Navy can take care of the policing of the area as they always have, and as they probably always will. The severance tax is not designed to reimburse anyone for any expense but to add more to the grant which is being given.

It is claimed that there is a vacuum in applicable domestic law which necessitates the application of State laws to the adjacent sea area. This vacuum in law is not real. It is presently filled by the well-established maritime jurisdiction of the Federal Government.

The Secretary of the Interior is given authority by the amendment I propose to use State laws and State enforcement where he believes such action advisable. Possibly he might find it advantageous to adopt a State's conservation laws for an adjacent area. He might further find it useful to call upon the State conservation officials to keep an eye on production to prevent waste. If so, there is no objection to his reimbursing the States for their out-of-pocket costs, provided they are properly accounted for and reasonable in amount. The proposed amendment so provides. That far I can go, but that is a far cry from the severance tax incorporated in the present bill. Authority to impose that tax should be stricken from the bill.

In view of statements on the floor yesterday by the gentleman from Texas to the effect that the Secretary of the Interior intimated that he saw no objection to giving States the right to tax in the outer Continental Shelf, I have asked the Secretary to furnish me a letter setting forth his position. I read his considered conclusion, which is: My view is that the State should have no taxing power whatsoever on the outer Continental Shelf. Outside their historic boundaries the States should be given nothing from the resources which now belong to the people as a whole beyond reimbursement for any services actually rendered.

On this specific question of the power, to tax, I am authorized to say that this also represents the position of the administration on this issue.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I favor the gentleman's amendment. I would like to propound this question to the gentleman. If the language remains and the gentleman's amendment does not prevail, then would not we have this rather anomalous situation—some of these coastal States, notably Texas and Louisiana could actually tax property which is beyond their borders?

Mr. KEATING. That is correct.

Mr. CELLER. By the same token, could not our State of New York then seek to tax property beyond the borders of New York State?

Mr. KEATING. Well, insofar as such property is covered by this bill, yes. Any outer Continental Shelf properties adjacent to New York could be taxed under this bill, and that is true of any State. Of course, this bill would only be a precedent for other action of a legislative character which, as the gentleman well knows, is not the equivalent of a judicial precedent.

Mr. CELLER. However, it would be a very important precedent and other States might follow suit.

Mr. KEATING. It would be an important precedent and a most unfortunate one. I have no doubt that is the reason for the very great concern over this provision and the extreme importance which is attached by those in the administration to a revision of this bill in line with the amendment which I am offering.

Mr. CELLER. In other words, the provision which your amendment strikes out was offered as a sort of compensation for the fact that no jurisdiction was given to the States over the so-called Continental Shelf, and, therefore, attempt is being made to do indirectly what cannot be done directly; namely, if they cannot get hold of the property, why, get the right to tax the property. Is not that what it really amounts to?

Mr. KEATING. Yes. This amendment is designed to correct that condition. As the gentleman remembers, the wording of the amendment was incorporated as a part of the bill as reported by this subcommittee which studied the problem so long and diligently. It was only in our full committee, when we considered it and had such eminent debaters in favor of the present wording, that the full committee did overrule the subcommittee.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. BOGGS. I ask this question solely for information, because I am certain the amendment offered by the gentleman from New York will be debated at some length. Would the gentleman mind telling the committee whether or not the gentleman's proposal eliminates not only the taxing power of the States but also all police power on the part of the States?

Mr. KEATING. I refer the gentleman to the exact wording of the first sentence of the amendment, which is that the laws of each coastal State shall be applicable to the outer Continental Shelf areas, and the Secretary of the Interior shall determine and define——

Mr. BOGGS. Is the gentleman reading the committee amendment?

Mr. KEATING. I am reading now the proposed amendment which I have offered. If the gentleman will refer to the amendment and read it against the language in the bill, he will see that in the first sentence there is relatively little change. The words "police powers" are struck out.

Mr. BOGGS. That is what I want to question the gentleman about now. Why are the words struck out?

Mr. KEATING. Because insofar as any necessary powers are concerned, they are included within the "laws," which is retained in the amendment. The police-power provision was put in very obviously in order to include the taxing power. It says expressly that the police power shall include the right to tax. That is the reason for eliminating the words "police power," and substituting the word "laws."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent that the gentleman from New York be permitted to proceed for 5 additional minutes, so that the gentleman from New York [Mr. KEATING] may explain his amendment so that we will all understand it.

Mr. GRAHAM. Mr. Chairman, I must object. I have objected to similar requests on the part of everybody else.

Mr. BOGGS. Mr. Chairman, I move to strike out the last word.

Will the gentleman from New York [Mr. KEATING] explain just exactly how the police power of the States might be applied to these areas—Continental Shelf—under the terms of the gentleman's amendment?

Mr. KEATING. The police power as such would not be included except as it might be involved by the law which the Secretary of the Interior felt should be made applicable to this area.

Mr. BOGGS. I understand. Does the gentleman care to add anything to that?

Mr. KEATING. I may after I hear what the gentleman has to say.

Mr. BOGGS. I believe I understand the gentleman's amendment. It first strikes out any participation by the States in the taxing of these resources. In addition, it limits any application of State laws, State conservation regulations, or State police power, until and if the Secretary of the Interior specifically requests the application of such laws. I know there is going to be a great deal of discussion about this provision. I happen to represent, I believe, one of the few districts in the United States where there is actual development and production outside of the so-called bounds. Let me tell the committee just what is involved in that sort of situation. These particular operations are conducted off a community known as Grand Isle, a community which figures very prominently in the history of the State of Louisiana. For many, many years there was only a small town there made up principally of people engaged in tourist and fishing business, and others who made a livelihood plying the traditional occupations of the sea.

Then oil was discovered. Great docks were moved out into the water. In some instances, a good many miles offshore. Tremendous scientific knowledge was required to perform these operations, and where we had had small towns, all of a sudden there were hundreds of men with their families and their children who had come in from all of the surrounding country from Louisiana, Texas, Arkansas, Oklahoma, Kansas, and California, wherever men search for and discover oil. All of a sudden we had problems of schooling, of building roads, of building bridges, of providing public services out of the treasury of the State of Louisiana or the locality in which the operations were being conducted. So this is not an obscure, abstract problem. This is an actual, everyday concern of the people who live in those communities. I believe it not unfair, and I believe it entirely equitable and entirely justified by the precedents and the previous actions of this Congress that those people who are providing these services obtain some compensation. What has happened in the past? Is this something novel or new or different before this Chamber? Not by any means.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILLIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the gentleman from New York [Mr. KEATING] said, this amendment was the subject of discussion before the full committee. The committee print did not contain the taxing power. The gentleman from Texas [Mr. WILSON] and I offered an amendment providing for police power and the power of taxation. For the record, in order to show the history of it, I ask unanimous consent now, Mr. Chairman, that the amendment which we proposed before the committee be incorporated at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

On page 12, strike out lines 9 through line 4, page 13, both inclusive, and substitute in lieu thereof the following:

"Except to the extent that they are inconsistent with applicable Federal laws now in effect or hereafter enacted, the laws and police power of each coastal State which so provides shall extend to that portion of the outer Continental Shelf which would be within the boundaries of such State if extended seaward to the outer margin of the outer Continental Shelf. The police power includes, but is not limited to, the power of taxation, conservation, and control of the manner of conducting geophysical explorations."

Mr. WILLIS. Mr. Chairman, for that amendment the gentleman from Indiana [Mr. CRUMPACKER] offered a substitute. That was the subject of discussion. The substitute offered by the gentleman from Indiana [Mr. CRUMPACKER] was passed with only two dissenting votes before the full committee. It is the Crumpacker substitute which is now in the bill before the Committee in the second paragraph in section 8.

I want to make one point perfectly clear, and it is this: Despite whatever might be said to the contrary, the taxation power provided for by this bill is most definitely not the taxation of property of the United States of America or any of the functions of the Government of the United States.

The taxing power presently in the bill is specifically limited to the placing of a production or severance tax and also limited to rates uniformly equal to those prevailing within the historic boundaries of the States. This provision we are talking about is found in title 3 of the bill, section 8, dealing with the outer Continental Shelf.

The bill provides that the subsoil of the outer Continental Shelf belongs to the United States or appertains to the United States. The bill states that leases granted by the Federal Government shall be for not less than $1 per acre and that the royalties received by the Federal Government shall be not less than 12½ percent. The leases are to be competitive, and from our experience in Louisiana and Texas you can bet your boots that in most cases the rentals will be more than $1 per acre and the royalties in most cases will be more than 12½ percent.

The rentals derived by the Federal Government under those leases are not subject to taxation. The royalties which the Federal Government will receive of 12½ percent and more are definitely not to be taxed by the specific provisions of this bill.

What is being taxed? What is being taxed is the portion of the oil going to oil companies when their share is severed from the ground and is in the possession of the oil companies. It is at that point that that oil is taxed. So it is a taxation not against the Federal Government nor against the interests of the Federal Government but a taxation on the oil in possession of third parties.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Briefly.

Mr. BOGGS. I think it would be helpful if the gentleman would point out that this taxing provision and police power was included in the Walters bill which passed the House of Representatives in 1951.

Mr. WILLIS. I thank the gentleman for his observation.

Now, what are those taxes used for? I mean the tax imposed against the oil itself in possession of the lessees and not the property of the United States? Under our Constitution, and under the laws of taxation, I understand also, those funds are used for schools and for roads and for bridges and the like; those funds are used for the benefit of the oil companies, their employees, and others who benefit from governmental facilities.

I hope the amendment will be defeated.

Mr. GRAHAM. Mr. Chairman, I rise in support of the committee amendment.

For the purpose of clarification, that portion which is sought to be stricken out on page 12, as has been explained, was added in the full committee. As the original bill came out of the subcommittee that language was not contained therein. However, the vote prevailed and it was inserted.

The amendment offered by the gentleman from New York [Mr. KEATING], restores the exact language which was in the original bill, and I wish to place in the RECORD at this time a careful analysis which I have made.

The proposed amendment would strike out all the language in the paragraph on page 12 beginning on line 9 down to and including line 24. That language already contained in the bill permits coastal States which so provide to exercise the police powers, including the power of taxation in the area set up by the Secretary of the Interior which would extend from their outer boundary to the outer edge of the Continental Shelf. In order to levy a production or severance tax, the State would be required to administer their conservation laws and other governmental functions in the area. Moreover, the rate of such tax would have to be the same as that within the State boundary.

What I have said to this point applies to the present state of the bill before the amendment was offered.

First. Under the proposed amendment the Secretary of the Interior is given the discretion to adopt the laws of the coastal States which so provide to cover the area of the outer Continental Shelf which would be within the State boundaries if they were extended to the outer edge.

Second. The Secretary would set up the lines defining the area.

Third. Any laws made applicable under those conditions could not be inconsistent with any Federal law or regulation.

Fourth. Moreover, State-taxation laws are specifically prohibited.

Fifth. Finally, the Secretary is authorized to reimburse the abutting States in the amount of the reasonable cost of the administration of such laws.

In effect this proposed amendment would make State police agencies the agencies of the Federal Government for certain purposes in the area beyond the State boundaries.

I refer to the gentleman from New York [Mr. KEATING], and ask if that is a correct analysis of that amendment.

Mr. KEATING. That is a very able analysis.

Mr. GRAHAM. I support the amendment.

Mr. ROGERS of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask for this time because I think this is a matter of sufficient importance to have it thoroughly debated on the floor, and I think that the actual knowledge of the gentleman from Louisiana [Mr. BOGGS] concerning the subject, would be of great value to the other Members in giving proper consideration to the issue. I, therefore, want to yield to him at this time for further discussion of the amendment.

Mr. BOGGS. I thank the gentleman very much. There are only two additional points that I should like to make in connection with this amendment.

It so happens that in the year 1943, I believe it was, I was general counsel for the Louisiana Department of Conservation, which at that time had jurisdiction over these areas in question, as well as the entire spacing and development matters in the State of Louisiana.

In that year the conservation act of the State of Louisiana—I believe it was

act 157 of the legislature of 1940—was questioned in the courts and finally came here to the Supreme Court of the United States. The Supreme Court upheld the constitutionality of our spacing and conservation act, which act became a model for practically every other oil-producing State in this country involving spacing and unitization of the various fields in the production of oil. Any person who has any familiarity with the production of oil can imagine the pandora's box of confusion that will be opened if in one area you have one set of conservation statutes applying and in another area a different set applying.

Insofar as the producing sands and strata are concerned, they will not change because of a line. The same problems of spacing, of proper conservation, of adequate production are involved whether you are on the State side of the line or the so-called Federal side of the line.

It seems to me that the Congress would tremendously simplify the production of oil in these areas, and it is declared to be the intent of the Congress in passing this legislation to facilitate production, if the State conservation laws through the police power of the States are applied to these areas in question, not by request from the Secretary of the Interior, as the gentleman from New York would have it, but by operation of law.

If this were something novel, something being presented to this body for the first time, I might be able to understand a desire on the part of some people not to take this action. As a matter of fact, the bill presently before us does not grant to the States what has been granted twice before when we passed the Walter bill. We passed the Walter bill on April 30, 1948, by a vote of 257 to 29, and again on July 30, 1951, by a vote of 265 to 109.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Indiana.

Mr. HALLECK. My understanding is that that bill passed in 1948 by the 80th Congress did not pertain to the Continental Shelf and did not deal with it.

Mr. BOGGS. Well, I could be wrong about that.

Mr. HALLECK. Counsel has checked the matter and informs me that is correct, and that is my recollection.

Mr. BOGGS. I will have to check that, but I am certain that the July 30, 1951, bill was the Walter bill and did deal with that subject. I am glad that the gentleman raises the question that he raises, because if the 1948 bill did not deal with the subject it meant that the Congress was saying, as the other body has said in the Holland bill, that as of now we are still not prepared to deal with this subject, therefore we do not touch it at all. It would seem to me that if this amendment is adopted, we would have to move to strike out all of title 3 *in this bill.*

Mr. HALLECK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I speak here as one who has supported this legislation through the years. I was the majority leader in the Eightieth Congress when we brought a similar measure to passage here in the House, and I mention that fact specifically to indicate that all of this talk about some recent political operation or some effort to gain political favor just cannot be supported. It is true that the support for this legislation was evidenced in the campaign by the Republican candidate for President, but I think it should be borne in mind constantly that what he promised was to save to the States the areas within their historic, traditional boundaries. As I remember, that is what we undertook to do in the Republican 80th Congress. At that time we were saying to the States: We are going to recognize the rights that we always believed you had anyway, and grant to you the property within your historic boundaries.

I have looked at some of the debates back in the 80th Congress, and I find that the gentleman from Louisiana argued very vigorously for the historic boundary right of his State, and I find that the very eminent gentleman from Texas [Mr. RAYBURN] was there urging 10½ miles for Texas as against the 3 miles, but so far as I can discover, at that time there was no insistence about the Continental Shelf.

Generally speaking, there are two propositions involved here. One is, What about the traditional boundaries? Then there is some controversy, and there is controversy, about the Continental Shelf beyond that point. In the other body they have elected to proceed without what is here, title III, by dealing simply with the historic boundary proposition. Here our committee has seen fit to bring this bill in with a determination about the taxing power.

Again may I remind you I speak as a friend of this legislation, but I do not want to see its accomplishment and its final enactment jeopardized by a provision that is evoking as much controversy and difficulty as this particular taxing power. So I ask for the support of this amendment.

We all know that this is the beginning of the legislative process. I do not know what will be done with respect to these provisions of title III in the other body, but I trust something can and will be worked out that is satisfactory. However, I am quite convinced from what I have heard that a great many Members here on both sides of the aisle would feel most reluctant to vote for this bill if this language is not changed as indicated by this amendment. As I say, no irreparable damage will be done, if any is to be done. I think that those who are the strongest in their support of this legislation should not be too insistent against this amendment because, in the final analysis, we are here trying to work out the problem of the historic boundaries and the rights of the States in those historic boundaries. We are trying to definitely establish the rights of the States in those historic boundaries, and I do not believe that they should include such a provision as this, in the light of all the circumstances.

So, Mr. Chairman, I trust that the amendment will be adopted. If someone moves to strike out title III, the committee can act on that. Personally, I would like to see it remain; let the measure go to the other body, and I am quite certain that out of it all we can come up with a fair, equitable, and reasonable proposal.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman referred to the remarks that I made at the time of the debate in the 80th Congress. I simply wanted to point out to the gentleman that that proposed legislation contained no title III.

Mr. HALLECK. I do not believe it did. I think what we did in the Republican 80th Congress was to grant the demands of the States for the areas within their historic boundaries.

Mr. BOGGS. That is correct.

Mr. HALLECK. I might say, in passing, that that was a proposal backed by the attorneys general, by most of the governors of the States, and hence it is as broad as the Nation itself.

Mr. BROOKS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am opposed to the amendment offered by the gentleman from New York [Mr. KEATING]. I am opposed to it for reasons that I think are valid, certainly in my own mind, which I thought out rather carefully.

Mr. Chairman, this bill seeks to establish the boundaries of the States as being the historic boundaries; that is, those boundaries which were created by historic documents, by treaties, by laws, by State constitutions originally enacted, and approved by the Congress. To the limit of the historic boundaries, of course, all State laws are applicable and will apply. That includes taxation laws, as well as conservation laws, compensation laws, laws affecting schools, and things of that sort, but when you reach the edge of the historic boundary—I do not here seek, Mr. Chairman, to attempt to draw a map showing what are the exact historic boundaries in each State—you are going to have to apply the State and local laws.

To the limit of these historic boundaries you are going to have State and local laws. When you reach the edge of the political boundaries of each State, you have a political vacuum. You have no laws there applying except the general maritime laws of the United States and the international laws of the world. Other than that you have a political and a legal vacuum at the present time. The United States then will have to follow through. It will either have to make a financial arrangement with the States to apply the laws of the local subdivisions and the States to those areas, or it will have to go ahead subsequently, by subsequent legislation, to properly police and properly handle these areas itself, always bearing in mind that local laws and conditions prevail in that area, whether it be on the Atlantic seaboard, the Pacific seaboard, or down the Gulf or up in the Great Lakes. That is inevitable.

If you do not do it, what will happen is this: You will have a great industry,

perhaps, arising out in the Gulf of Mexico. You will have drilling there in areas where there is no drilling at the present time. You will have people working there. They should be covered by some type of workmen's compensation laws. We will have to pass those laws. They will have families. Will the families live in the oceans themselves or back in the States contiguous or bordering upon the seashore? If they live on land as they surely will, who is going to educate the families of those men working out there on the deep sea producing the oil and gas? It creates a problem. It will create many problems.

If that was a military reservation in your State or in my State; and we had a body of men there working, whether they were in uniform or were civilians, we would provide schools for them there. But our policy is now that we help the States themselves to provide the schools for those people and take care of them. In this particular instance, you are going to have a strip of territory that will not be in any State and will have no historic position in our Federal Government. As that industry develops, crimes are going to be committed. What body of law is going to police that area with reference to the crimes committed in that area? Will they be local State laws or will they be Federal laws? Will we use Federal courts or will we use local courts? All those will be problems and many more have come up and now harass the coastal States even at this hour.

If we take out of this bill the right of the State to police that area, the right of the State to levy production taxes upon the oil and gas produced in the area, then perhaps we had better reconsider title III and withdraw title III entirely from the bill and work it out carefully and give it thought and consideration, and know down what road we are proceeding before we attempt to legislate on that matter.

Mr. Chairman, other parts of this bill worry me very much. On the Gulf coast, we have a shoreline of some 3,000 miles. Most of this shoreline is along the coasts of Florida and Texas. Only a small part of Alabama and Mississippi forms the coastline of the Gulf. Out of this 3,000 miles, some 2,300 of them form a part of Florida and Texas. Louisiana has some 200 or 300 miles of coastline. Under the terms of this bill, along the entire Gulf coast on both sides of Louisiana are States which will have a tideland of 10½ miles. Louisiana will claim to the history boundaries; but Louisiana must fight in the courts of the Nation seeking to establish this boundary beyond the 3-mile limit, and yet Louisiana is the one State which more than any other has developed the Continental Shelf and the tidelands. It is the State which because of its history and background should receive consideration. This Congress should not seek to put our State of Louisiana in any less advantageous position than surrounding States. I do not ask for application of the 3-mile rule to Texas and Florida; but I do ask that the entire Gulf be given a more even and equal treatment.

Mr. WILSON of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am opposed to this amendment.

I said yesterday, calling the attention of the Committee to the Federal Leasing Act, that I am not alarmed about the right of any State to assess a small production or severance tax on the oil. Some Members seem to be. I cannot draw the line of demarcation myself as to this area which will arise on the passage of this bill if title III is left in the bill on final passage. The outer Continental Shelf will be part of the public domain of the United States. I do not think that can be contested successfully by anybody.

I think anybody who looks at the question fairly will see that these States will have the problem of schooling and roads and many other public expenses in order to house and in order to furnish all these services to the people who are to be used to explore this area.

Mr. IKARD. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield.

Mr. IKARD. May I ask the gentleman if the amendment is adopted, would it not lead to great chaos? It would mean that it would be possible for one developer of oil to be drilling a well where there would be no tax because the Federal Government would not assess a property tax or a severance tax or a personal-property tax on that. Would it not lead to greater confusion and chaos if that oil was moved in on the coast line on tank farms where we would immediately be in the face of the Supreme Court decisions which say that we cannot tax things that move into interstate commerce, and further would it not lead to confusion and chaos by reason of the fact that the Secretary would have the right to determine the compensation due the States for services rendered, which would lead to a continual hassle between the States and the bureaus here in Washington to determine what the value of those services were?

Mr. WILSON of Texas. I think the gentleman is eminently correct. I do not think, Mr. Chairman, that this is the most important part of this bill. So far as we in Texas, and I am sure other Members in other States are concerned, the important part as stated by the gentleman from Indiana [Mr. HALLECK] is to return to the States and to restore to them the property they rightfully own. I can certainly see nothing wrong morally or legally in permitting a State, especially where the tax is restricted to the production or severance tax, which would apply only to the driller or the lessee operating in that area and who, but for the State tax which might be allowed, would probably pay no tax as opposed to the lessee within the State boundaries who would be subject to a State tax.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Texas. I yield.

Mr. JONAS of Illinois. I believe the gentleman from Texas stated the situation correctly when he said the primary object of this legislation is to restore to the States what the Government evidently tries to take away from you under the authority of the Supreme Court decisions, and when you pull away from or defy this amendment, are you not furthering the purpose of this legislation? And are you not by supporting it injecting into this very important piece of legislation collateral matters which are incidental to what is going to happen after you have gotten the law adopted and in force?

Mr. WILSON of Texas. I think not.

Mr. JONAS of Illinois. I think you are jeopardizing the whole situation.

Mr. WILSON of Texas. I think not. I think a man can certainly support an amendment which he thinks is right, aside from the principal object of the bill, that is what I am doing in this instance. I think the State should have the right to charge a reasonable tax, a severance tax, and I think certainly a chaotic condition would result unless the coastal States and the Great Lakes States have the police power and the power to control it and put their criminal and civil laws in effect in this area.

Mr. Chairman, I think the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. KEATING].

The amendment was agreed to.

Mr. ROGERS of Flofida. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there has been a great deal said about this bill. It seems to me we have discussed this matter fully this session. On two other occasions we discussed the bill fully. I am convinced that every argument made pro and con on this measure has been advanced during the general discussion on the bill, and whatever I say will to some extent be a repetition or reiteration.

The duly and elected representatives of the people of this Nation have on a number of occasions passed on the principles and provisions of this bill. The House on 2 or 3 occasions has evidenced its approval of this bill by an overwhelming majority. The Senate has also adopted this measure on two occasions. Although both the House and the Senate passed this legislation, there was an occupant of the White House that vetoed the measure when it reached him. It is my opinion that if the present occupant of the White House had been President when this legislation was passed by the Congress that it would today be the law of the land.

Not only have the Members of the Congress, as representatives of the people, heretofore passed this legislation but the voters of this Nation in 1952 overwhelmingly endorsed this legislation.

The tidelands oil question became one of the early issues of the presidential campaign in 1952. Gen. Dwight D. Eisenhower, when he was commander of the North Atlantic Treaty Organization, indicated from his Paris headquarters that if he were chosen as GOP candidate and elected President he would turn the offshore oil lands back to the States where it belonged.

Whereas Gov. Adlai Stevenson stood for Federal ownership of the submerged lands and so advised Governor Shivers, of the State of Texas. During

the campaign this issue was made prominent, and the position of the 2 candidates was well understood by the voters of this Nation when they went to the polls in November 1952. Therefore, I contend that the people of this Nation gave their approval and endorsement to the principles that the submerged lands and the natural resources therein within their respective historic boundaries belonged to the States and not to the Federal Government.

This tidelands oil question, or issue, I am quite sure influenced the democratic State of Florida, and the democratic States of Texas, as well as the States of Louisiana and California to give General Eisenhower such outstanding support and these are the States that are particularly interested in the tidelands issue.

Mr. Chairman, there are 2 or 3 principal reasons why I support this legislation. The first reason is that I conceive this to be a question of States rights, which has been discussed fully during this debate; and, second, that this legislation is just, it is equitable, and it is right that the States should have title to the submerged lands within the State's historic boundary. It will be noted that this bill relates to offshore lands beyond the 3-mile limit in only two cases, to wit: The west coast of Florida and the coast of Texas, both of which States have under their constitution boundaries extending 3 leagues into the Gulf of Mexico, otherwise known as offshore lands, and the bill is confined to those lands which extend out to the 3-mile limit.

The question as to the title to the tidelands within the 3-mile limit of the historic boundary State lines was never raised or disputed until about the year of 1937. The Federal Government, as well as the State governments, recognized the title as being in the coastal States. The Supreme Court, on a number of occasions, held the title to be in the various States. The man most responsible for raising this question and causing all of this disturbance was the then Secretary of the Interior, Harold L. Ickes. In 1933 the Secretary of the Interior, Harold Ickes, took the position that the Federal Government could not issue prospecting permits or leases for submerged coastal lands and at that time he said:

> Title to the soil under the ocean within the 3-mile limit is in the State of California and the land may not be appropriated except by authority of the State.

In effect he said tidelands oil belonged to the States.

However, in 1937 there was discovered at Wilmington-Long Beach an oil field off California. And at that time Mr. Ickes reversed his position and a Federal move was begun to have the California deposit claimed as a naval oil reserve and in 1945 the Attorney General filed a test suit in an effort to establish Federal title to the offshore oil deposits and to prevent a California oil company from extracting offshore oil under a State law. In 1947 the Supreme Court ruled that the marginal sea off California belonged to the Federal Government or that the Federal Government had a paramount right thereto. Surely it is not right, just, or equitable for the Federal Government to come in after 150 years of recognized ownership in the States and claim ownership or paramount right to the submerged areas within the boundaries of the maritime States. Not only frequent judicial rulings but administrative rulings of the various Federal agencies covering some 150 years of time between formation of the Union and the date that the suit was filed by the Federal Government claiming title to the lands, the title thereto had been recognized as being in the States.

Certainly the principle of equitable estoppel should be invoked to prevent the Federal Government from encroaching upon the States' rights of ownership of such tidelands. A recognition on the part of the Federal Government as well as the State government for a period of 150 years should certainly establish title to the submerged marginal lands in the States.

Before concluding my remarks I desire to pay tribute to my colleague, Senator SPESSARD L. HOLLAND, the senior Senator from Florida, for his untiring, energetic, and constructive work done in connection with this legislation. No one in this Congress has fought more gallantly, and with more determination and sincerity in securing the passage of this legislation than this able and distinguished Senator from Florida. He certainly has fought a noble and faithful fight as the introducer of the legislation in the upper House.

Mr. CURTIS of Massachusetts. Mr. Chairman, I have here a resolution of the Massachusetts State Legislature in favor of this type of legislation which I want to read to the committee:

EXTRACTS FROM RESOLUTION OF THE MASSACHUSETTS LEGISLATURE OF MARCH 18, 1948

Whereas by the Declaration of Independence, in July 1776, Massachusetts and the several colonies asserted their character as free and independent States; and

Whereas the Treaty of Peace with Great Britain in 1783 acknowledged the Commonwealth of Massachusetts and the several States "to be free, sovereign, and independent States" and relinquished "all claims to the Government, propriety, and territorial rights of the same, and every part thereof";

Whereas by the Constitution of the United States, the several States reserved to the States their sovereignty and ownership to those lands within their boundaries; and

Whereas since the founding of the Republic, the several States have been uniformly recognized as the owners of coastal lands and lands covered by the marginal sea within their respective boundaries; and

Whereas in its recent opinion in the case of *United States* v. *California* the Supreme Court of the United States declared, that the Federal Government had a paramount right to all of the resources, under California's marginal sea, without regard to or settling the question of ownership of the lands involved; and

Whereas the doctrine of the case of *United States* v. *California*, constitutes a direct threat to all ownership of minerals and other resources, public and private; and

Whereas the Attorney General of the United States has stated publicly before a joint hearing by a committee of the Congress that he intends to file suit against other littoral States; and

Whereas the Commonwealth of Massachusetts is a littoral State and title to its shores and soils under the marginal sea is presently in danger of being taken from the Commonwealth; and

Whereas there are now pending before the Congress of the United States S. 1988,[1] and similar bills, the purpose of which is to confirm in the several States title to these lands and resources in and beneath the navigable waters within State boundaries; and

Whereas such bills have the active support of 46 Governors and 44 attorneys general, representatives of the several States; and

Resolved, That the General Court of the Commonwealth of Massachusetts approves the action of its Governor and its attorney general and their official representatives with regard to their support of S. 1988 in the joint hearings by the Senate and House Committees of the Congress; and be it further

Resolved, That the General Court of the Commonwealth of Massachusetts petitions the Congress to pass immediately S. 1988 or other suitable legislation to forever quiet the titles of the several States to submerged lands under the marginal sea and inland navigable waters within their respective boundaries and to all resources in and under said lands; and be it further

Resolved, That the General Court of the Commonwealth of Massachusetts petitions its Representatives and Senators in the Congress of the United States to vote for and actively participate in the enactment of S. 1988 or similar legislation; and be it further

Resolved, That copies of these resolutions be forthwith transmitted by the State secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Mr. HALLECK. Mr. Chairman, I wish to submit a unanimous-consent request to see if we can agree on a limitation of time for debate on the balance of the bill.

I understand there are two amendments to be offered to the bill, one by the gentleman from Louisiana [Mr. WILLIS], and the other by the gentleman from Oklahoma.

I therefore ask unanimous consent that all debate on the bill and all amendments thereto close at 4:30.

Mr. WILLIS. Mr. Chairman, reserving the right to object, if 20 minutes of the time can be devoted to a consideration of my amendment I will not object.

Mr. HALLECK. I will include that in my request and modify my request accordingly.

Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close at 4:30, 20 minutes of the time to be devoted to a discussion of the amendment to be offered by the gentleman from Louisiana, and 10 minutes to the amendment to be offered by the gentleman from Oklahoma.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. BROOKS of Louisiana. Mr. Chairman, reserving the right to object, how will the time be divided? I would like to get some time. I am not on the committee.

The CHAIRMAN. The Chair may state that a list of the names have been taken of those Members standing and the time will be divided according to the unanimous-consent request equally between Members speaking on the two amendments.

[1] Of 1948.

Mr. CELLER. Mr. Chairman, reserving the right to object, how will that time be divided among Members on either side?

Mr. WILLIS. Mr. Chairman, reserving the right to object, I understood the unanimous-consent request to state there would be 20 minutes, to be devoted to my amendment, and 10 minutes to the other amendment. I understood I would be allowed 5 minutes to present it out of the 20 minutes.

Mr. GRAHAM. If your amendment is to strike out title 3, someone on this side must have time to answer it.

Mr. WILLIS. That is what it is.

Mr. GRAHAM. Then we will answer.

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCORMACK. In the Committee of the Whole, is there any power lodged to take away from the Chair the inherent right of recognition?

The CHAIRMAN. That can be done only by unanimous consent.

Mr. McCORMACK. The unanimous-consent request would be an invasion of that right by stating 20 minutes and 10 minutes. I am simply trying to protect the right of the Chair.

The CHAIRMAN. The unanimous-consent request was to limit the time, the time to be in the hands of the Chair.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. How will the 20 minutes be divided between the Members and how will the 10 minutes be divided?

The CHAIRMAN. The Chair thinks we better proceed with only one amendment at a time.

Mr. HALLECK. Mr. Chairman, I withdraw my unanimous-consent request for the present.

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIS: On page 11, starting with line 21, strike out title III and all of the ensuing language thereafter down to and including line 14 on page 27; and on page 27, line 15, strike out section 18 and insert in lieu thereof section 8; and on page 27, line 19, strike out section 19 and insert section 9; and on page 27, line 22, strike out section 20 and insert section 10.

Mr. HALLECK. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. WILLIS. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, the last 5 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. BOGGS. Mr. Chairman, reserving the right to object, I think we ought to have some indication of how many want to speak on this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Chair may say that the gentleman from Louisiana will have 5 minutes, 5 minutes will be reserved for the gentleman from Pennsylvania, and the balance of the time will be divided among those standing, namely, Mr. BROOKS of Louisiana, Mr. BOGGS of Louisiana, Mr. CELLER of New York, Mr. FEIGHAN of Ohio, and Mr. WILSON of Texas.

Mr. WILLIS. Mr. Chairman, this amendment proposes to strike out title III of the bill or that portion thereof dealing with the outer Continental Shelf. Please do not get in your mind that the primary purpose of this amendment is the defeat of the tax amendment a while ago.

Here is what I envisage: All of the tidelands bills heretofore offered by friends of tidelands covering and affecting the outer Continental Shelf contemplated the application of the police power and State laws of the States adjoining thereto. All of the hearings were directed in that direction and no consideration was given to what would happen if that police power provision were stricken from the bill.

In the absence of the police power and the clear application of State laws, here is what is going to happen: In my judgment, you are going to have chaos with regard to the outer Continental Shelf because there will be no general body of laws clearly applying to the relationships between persons and corporations, and so forth, and governing property rights and so on. You must understand that the Federal courts have limited jurisdiction. The Federal courts have no jurisdiction over common-law crimes. The Federal courts have no general jurisdiction over civil laws. The Federal courts have limited jurisdiction, particularly when there is diversity of citizenship and where the amount in controversy is over $3,000. Generally, therefore, you cannot enforce contracts before the Federal courts because of the limited jurisdiction. The Federal courts have no power to administer State workmen's compensation laws.

Suppose a crime is committed on the Continental Shelf, say murder or arson, it would be doubtful whether the criminal could be prosecuted because the law of the place where the crime is committed applies. Now, if the police powers of the States are not made to apply then he cannot be tried before the State courts, and you cannot go before the Federal courts because they have no criminal jurisdiction. You could not try him later on or pass an act of Congress later on because you cannot have ex post facto laws. Suppose someone is hurt there while working? What are you going to do about workmen's compensation laws? If the laws of the State are not extended, you will not be able to give any relief. Suppose you have to have service of process over there. The local sheriffs in Texas or Louisiana cannot go over there and serve papers under laws as they presently are written, nor can you use the Federal marshal to serve State court papers. And, most important, you are not going to have the application of the general body of State conservation laws that my good friend the gentleman from Louisiana [Mr. BOGGS], dwelt on a while ago. We have conservation laws that have been developed over a period of many, many years. Those laws have to do with the spacing of oil wells, utilization, waste, and all other conservation administrative procedures. For instance, when oil is found inland or in the historic limits of the State, then the local laws will apply; but if oil is found in the Continental Shelf, then you will not have any conservation laws made to apply, at least not specifically made to apply by this bill. Perhaps wells drilled within the historic limits will have a limitation of production of perhaps 300 barrels a day or 100 barrels a day, depending upon the State law, but as to the producing wells in the outer Continental Shelf you would have no laws clearly applicable. So chaos could well result in this situation.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Chairman, in the time that I have I want to make the plea that we strike out title III of this particular act. I do that on the basis that I do not believe the whole proposition has been carefully and thoroughly thought out. As my colleagues have already said, they have sought to present to you the chaos that will naturally arise in cases of this sort where there is a great industry arising off a coastal State. That industry, as it expands, will find that it is not subject to State or local tax laws. It will find, if there is later on imposed a Federal tax law, that it is in competition with industry which produces oil and gas within a State that pays State, local, and Federal taxes. It will have the advantageous position of being immune to State and local laws as far as taxes are concerned. It will present so many problems that we have not thought out at the present time that I think we can well afford to strike out title III and give it more thought and more consideration, and then come back with a bill well thought out and well defined to present this entire problem before us.

So, Mr. Chairman, I make this plea that we do strike out title III, and then go ahead and enact a bill without title III and come back at a later date with a better program in reference to title III.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Chairman, I want to review the legislative history of this particular section. As far as I can ascertain, the first bill was passed in 1946. That bill contained no section 3. The gentleman from Indiana corrected me a moment ago and pointed out that the bill in 1948 had no section 3. Apparently, the only section 3 was contained in the Walter bill which passed in 1951. That bill spelled out the taxing power and State participation. In the meantime, the other body was legislating and reported the Holland bill, which contained no section 3.

I am quite certain the reason that section has not been included is because of the very good and valid reasons advanced by my colleagues from Louisiana

[Mr. WILLIS and Mr. BROOKS]. I think it would be a mistake to legislate on this subject involving police power, local law, conservation statutes, taxing authority, and civil and criminal administration, without a thorough understanding of what we are doing and unless there were State participation

After all, all over the continental United States of America we have dual sovereignty. State sovereignty and Federal sovereignty are coextensive. I do not know of any situation anywhere within the United States of America where you have Federal sovereignty without State sovereignty. We are creating here today in section 3 a new concept of law, "Federaloceania," I guess you might call it.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I am opposed to this amendment.

The enactment of title 3 is highly desirable notwithstanding the fact that it is a part of a bill which gives away the mineral resources of the United States situated within the traditional State boundaries. The reason for this is the fact that there are presently located on the Continental Shelf beyond State boundaries along the coasts of Louisiana and Texas, numerous producing oil fields, and many additional areas which are likely to become important sources of oil production. It is in the interest of national defense and the general welfare of the country as a whole that these Continental Shelf areas be developed at the earliest possible time. Title 3 would permit not only a continuation of existing oil and gas production on the Continental Shelf beyond State boundaries, but also the immediate initiation of new production, all under the control and supervision of the Secretary of the Interior. So, while I am opposed to that portion of the proposed legislation which would grant the marginal sea to adjacent coastal States, I heartily endorse the provisions which would authorize Federal control and management of mineral development on the Continental Shelf outside of State boundaries.

In the event that some legislation such as title 3 is not enacted at this time, existing development may, of course, be continued under the authority exercised by the President in his proclamation and Executive order of September 1945. But those actions relate merely to existing developments heretofore initiated. In order that new and additional development may take place on the shelf, the Congress should, at the earliest time, provide appropriate legislative authority.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. GRAHAM] to close the debate on this amendment.

Mr. GRAHAM. Mr. Chairman, the gentleman from California [Mr. HILLINGS], a member of the subcommittee, will speak for the committee.

Mr. HILLINGS. Mr. Chairman, I regret that I must oppose the amendment offered by my colleague, the gentleman from Louisiana [Mr. WILLIS]. His work on this legislation, which has long been before this body, has been extremely valuable to the Congress, and he has been among those in the forefront of the fight to restore this area within the historic State boundaries to the States.

I must oppose the amendment offered by the gentleman from Louisiana [Mr. WILLIS] as the committee sponsoring the legislation opposes it, because I fear that if we leave this question of administration of the area beyond the historical boundaries into the Continental Shelf open we are going to create all kinds of problems, problems which will seriously affect the sovereignty of the United States in that area, problems which may very well hinder the development of the natural resources in that area.

In the course of the committee hearings on this question the Attorney General of the United States, Mr. Brownell, and the Secretary of the Interior, Mr. McKay, appearing before our committee urged that this legislation be so-called one-package legislation, that it be legislation in which we not only restore ownership to the States within the historical boundaries but in which we also provide a means by which the area beyond the boundaries could be leased and administered by the Federal Government. Title 3 does that job. Incidentally, too, the basic provisions of title 3 contained in this bill providing for the leasing or administration of the area beyond the State boundaries are practically the same as were contained in the Walter bill which passed the House in the previous Congress. So for the reasons which I have mentioned, particularly because I am one of those who has long supported State ownership of submerged lands within their boundaries, I say that striking out title 3 from the bill jeopardizes the possibilities of deciding this important question once and for all. I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. BROOKS].

The question was taken; and on a division (demanded by Mr. BROOKS of Louisiana) there were—ayes 12, noes 103.

So the amendment was rejected.

Mr. KEATING. Mr. Chairman, I move to strike out the last word.

I simply feel that the record should be made clear by calling attention to the fact that in view of the adoption by the committee of the amendment on page 12 changing the wording of section 8, it will be necessary in my judgment to amend the wording on page 19, line 22, after the word "royalties" by adding the words "together with a sum as additional royalty equal to any severance tax charged by an abutting State.

I do not propose to offer such an amendment at this time because the hour is late, and an effort is being made to complete the consideration of the measure this evening, but it is important that those who take the bill to conference with the other body bear in mind that in the provision relating to the exchange of existing State leases dealt with in section 10, in order to make that fair and in order to prevent a windfall to the holders of State leases, it will be necessary to make this change in conformity with the action taken already with regard to the elimination of power to the States to tax in the outer Continental Shelf. I simply make that statement for the record in order that there may be no misunderstanding about it.

Mr. EDMONDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDSON: On page 10, line 14, after the word "Indians", insert "As a further reservation to the grant of title in section 3, the United States hereby reserves a one-tenth mineral interest in the oil and gas resources found in all lands beneath navigable waters as defined in paragraph 2 of subsection A of section 2 of this act, said reservation of interest to be known as the American Indian education and rehabilitation royalty rights. This reservation is made in recognition of uncompensated, historic rights of the American Indian to the shore lands of the United States."

Mr. HALLECK. Mr. Chairman, will the gentleman yield for a consent request?

Mr. EDMONDSON. I yield.

Mr. HALLECK. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes after the time of the gentleman from Oklahoma has expired.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr EDMONDSON. Mr. Chairman, is there a Member of Congress, in this greatest assembly hall of the civilized world today, who can—in good conscience—call our debt to the American Indian paid in full?

Is there a man or woman, in this body, who can read the complete history of America's treatment of her Indians—the page after page of broken treaties and dishonor—with an easy conscience?

In this year of 1953, the time has long passed that we can call our Indian people—as have Members of this House in years gone by—simple savages and unhappy children of nature.

Today the American Indian supplies many leading citizens of our great Republic.

In my own State of Oklahoma, he provides a governor, several members of our supreme court, numerous members of our legislature, and many leaders of business and industry.

On the national scene, he has supplied an American Vice President, the greatest athlete of our century, our greatest ballerina, and many great artists.

There are Indian people today, living constructive and useful lives as productive citizens, in every State of the 48.

And, as our greatest paradox and America's greatest shame today, there are also thousands of American Indians living in our midst today, in relative poverty, hardship, ignorance, and want.

Official Government reports describe conditions of Indian housing in this country as generally poor and below standard, except in a few of the smaller reservation areas.

The same reports tell us of alarming rates of illiteracy, with one out of every six Indian school children between the ages of 6 and 18, out of school throughout the country. In some regions, the answer is poverty. In other regions, no school facilities.

Neglected by State and local welfare agencies, as an admitted obligation of our National Government, these forgotten red men are this century's greatest challenge to America's sense of decency, fair play, and justice.

The other day I appeared before a House appropriations subcommittee to ask for a $2 million appropriation for a minimum fund to carry on a badly needed and long-postponed program of vocational education among our American Indians.

I was told, in kindly but polite terms by the committee, that it was felt this modest request was exorbitant in its terms. The committee was sympathetic to the program, but the money was not available for it.

Yet we propose today, Mr. Chairman, to dispose of a buried coastal treasure worth several thousand times this modest amount, to dispose of American treasure to which our Indian people have a valid and provable claim which antedates the claim of any State or government on this continent.

If your measuring stick is history, I say the Indians have a claim to the tidelands, more time-honored than any State of the Union.

If your measuring stick is law, I say there are treaties with Indian tribes and nations which clearly identify all of these coastal lands as theirs, and not one of these treaties gives compensation for the tidelands.

If your measuring stick is equity, I say we have done more violence to the maxims of equity in our Indian policy than in any other field of government, and the hour is late for this Nation to invoke equity in defense of title.

Because their claim is just, because their need is great, and because public funds do not appear to be otherwise available, I have introduced this amendment, which reserves to the Nation a one-tenth mineral right, in oil and gas, beneath the tidelands, to be known as the American Indian education and rehabilitation royalty rights.

Mr. Chairman, I appeal to you in all seriousness and good faith, to support this amendment and make it the foundation of a fair and effective, pay-as-you-go Indian policy by our Government.

By this amendment we give to the Indian people an opportunity and a future to become self-sufficient members of our commonwealth.

We give them nothing that was not once theirs in its entirety, and we impose no new burdens on our taxpayers in so doing.

I appeal to you to support this amendment and make the closing chapter of America's Indian policy a chronicle of equity and of honor.

Mr. GRAHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as one listened to the fervent and eloquent plea of the gentleman from Oklahoma no one could doubt the sincerity and honesty which he betrayed in speaking in behalf of his constituents, the Indians, many of whom are located in Oklahoma. But earlier in the day we decided that even the school children of the United States should not be participants in this fund; and we have further decided that this fund should go to the Federal Government in such way as it comes out of any tax on the outer Continental Shelf. As a consequence, if we were to begin now to attach this amendment or any other amendment we would destroy the whole force and effect of this work on which we have spent a tremendous amount of time. I personally have served for 7 years on this committee handling this matter. Great study has been put in the matter also by the gentleman from Texas [Mr. WILSON] and many other Members. We have given of our time in an honest, genuine effort to decide between the Government of the United States and the respective States just what their rights shall be. It is my honest conviction that this should not be beclouded at this time by bringing in extraneous matters, no matter how honest and sincere and devoted the cause may be. We oppose this amendment and ask that it be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. EDMONDSON].

The question was taken; and on a division (demanded by Mr. EDMONDSON) there were—ayes 27, noes 116.

So the amendment was rejected.

Mr. CROSSER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CROSSER. Mr. Chairman, before the House today, is presented a proposal making possible consequences more dangerous to the welfare of the American people than anything that has been attempted during the generations of our Government's existence. The bounty of the Creator, which He has provided for the benefit of all His children is to be grabbed by a special privileged few; a very few indeed, to be used for their special advantage, instead of being enjoyed by the people as the heritage provided by God for His children. My friends, such brazen tactics, such high-handed efforts must not, and cannot, be ignored.

Having failed miserably to justify, upon the principles of ethics or sound political economy, or law, their effort to secure control of the natural resources, the special privilege seekers, in their frenzy, are now clinging to the threadbare claim that the Federal Government has not the right to determine policies as to land tenure. In short, they now try to make it appear that we have only a bare legal question to discuss.

I have not time now to quote from all the great authorities who may be cited but I shall quote briefly from Blackstone, the great commentator, who said:

> It is an undeniable principle of law that all lands in England are held immediately by the King.

King meant the sovereign power of the nation. In our country the corresponding sovereign power is the Government of the United States.

The great Blackstone very well understood the principle underlying his statement. He understood well that under the feudal system the title to all of the earth within the confines of the realm was in the government itself, held in trust for the people of the nation. This, of course, did not prevent satisfactory terms of possession but did contemplate the principle that the revenue derived from the land, as such, belonged to the people as a whole, to be paid to their agency—the government. This is a just principle, which practically all peoples of civilized countries recognize. It is true that, as with the best of laws, those entrusted with power of administering government disregarded the wise purpose of the law and abused their power, but that did not change the real virtue of the principle.

One of the first tasks assigned to me as a lawyer just admitted to the bar was an examination of a complete abstract of title to property in suburban Cleveland. The first item in that abstract was in the following language:

> England claimed the North American Continent by virtue of the voyages by John and Sebastian Cabot.

Under international law that gave England a valid claim. The common law of England then became the common law of the United States, including the principle of tenure prevailing in England. Wherever this principle of law was recognized it was a sovereign power, not a mere province or a satrapy, that had the authority to determine policies involving land tenure and its conditions. While the Government of England and other governments holding to the same principle did, of course, lease on appropriate terms parts of the domain under its jurisdiction, nevertheless, the final authority to determine the policies as to general use was always vested in and continued in the sovereign power—and so it is in our country.

Thomas Jefferson said:

> It seems * * * to be a principle of universal law that the lands of a country belong to its sovereign as trustee for the Nation. (Batture case V III (1812).)

Williams on real property says:

> The first thing the student has to do is to get rid of the idea of absolute ownership. No man in law is absolute owner of his lands but only holds estate in them.

P. E. Dove, in his basic and scholarly work entitled "The Theory of Human Progression," says:

At page 307:

> No truth can be more absolutely certain as an intuitive proposition of the reason, than that "an object is the property of its creator"; and we maintain that creation is the only means by which an individual right to property can be generated. Consequently as no individual and no generation is the creator of the substantive earth, it belongs equally to all the existing inhabitants. That is, no individual has a special claim to more than another.

At page 245:

> The radical evil, the grand masterpiece of mischief, that requires to be corrected, is the alienation of the soil from the nation, and the taxation of the labor of the country.

The bill, H. R. 4198, now pending before us, if enacted, will make it possible for a handful of special privilege seekers, erroneously in their distress, talking about States rights, to secure for a mere trifle the benefits to be derived from the

resources provided by the Creator for the use of all the people.

The Supreme Court of the United States has ruled, not 1 but 3 times, that title to these submerged lands does not belong to those States. First in 1947, in the California case and twice in 1950 in the Texas and Louisiana cases, the Court held that the submerged lands and mineral resources under the marginal sea off the coast of the United States are lands and resources of the United States and that the various coastal States do not have and never did have any title to or property interest in such lands or resources.

In the California case—Three Hundred and Thirty-second United States Reports, page 19—the Supreme Court said:

> We decide * * * that California is not the owner of the 3-mile marginal belt along its coast and that the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

In the Louisiana case—Three Hundred and Thirty-ninth United States Reports, page 699—and in the Texas case—Three Hundred and Thirty-ninth United States Reports, page 707—the Court held that its decision in the California case is controlling in these cases.

The Supreme Court held that, because of its constitutional responsibility to defend the offshore submerged lands, and its obligation to conduct foreign relations with respect to them, the United States is possessed of full dominion and power over and paramount rights in such lands and their resources.

Underneath the submerged lands along the California, Louisiana, and Texas coasts are an estimated 15 billion barrels of oil. This oil is worth more than $40 billion. No single State or States should be allowed to usurp the title to this treasure which the Supreme Court has said belongs to all the people of our country.

In the 79th Congress and again in the 82d Congress bills were passed which would have given title to these submerged lands to the adjoining States. Both of these bills were vetoed by President Truman. In his first veto message in 1947, before the Supreme Court decision in the California case was rendered, the President stated in part:

> The ownership of the vast quantity of oil in such areas presents a vital problem to the Nation from the standpoint of national defense and conservation. If the Supreme Court decides that the United States has no title or interest in the lands, a quitclaim from the Congress is not necessary.

In the second veto message on Senate Joint Resolution 20, 82d Congress, the President stated that the question of ownership of the submerged lands had already been decided by the Supreme Court. The Court had stated on three different occasions that the coastal States did not have title to the submerged lands on the Continental Shelf.

In a speech prepared for delivery to the Americans for Democratic Action on May 17, 1952, President Truman referred to the quitclaim bill—Senate Joint Resolution 20, 82d Congress—as "robbery in broad daylight—and on a colossal scale."

Now before the House today we have a third attempt to pass a bill for a quitclaim and to reverse the three decisions of the United States Supreme Court.

This bill, H. R. 4198, proposes to yield to the State of California all submerged lands lying between the low-water mark and the 3-mile limit offshore. Other States are yielded all submerged lands lying within their so-called historical boundaries. In the case of Texas, it is a belt of land extending 10½ miles from the low-water mark. In the case of Louisiana, this belt may be anywhere between 3 to 27 miles offshore, depending upon legal interpretation. Furthermore, the bill proposes to give to the States policing and taxing power over the submerged lands beyond their historical boundaries.

The enactment of this legislation may create a dangerous precedent for surrendering to private interests, through State governments, title to all our natural resources.

From the American Government, representing all the American people, were derived the titles to all the privately owned lands and their natural resources within the territorial limits of the United States. Since the United States is the source of all ownership of land and its resources within its territorial limits, it is then by every principle of logic and justice the proper authority to regulate the use and terms for the use of land and its resources when necessary.

Since the submerged lands underneath the Continental Shelf and their natural resources belong to all the people of the United States, they should be used for the welfare and security of all our citizens and not just a few. The proceeds from the sale of this valuable oil and other resources contained in the submerged lands should be applied to relieve the tax burdens of all the people of the United States.

My friends, it is outrageous even to propose to give away our national heritage, belonging to some 158 million people, to a few people of 3 States with only 14 percent of our total population.

Members of the House of Representatives, the anger of the American people will rise to harass those who have been subservient to the minions of special privilege, who for years have been skulking in the shadows of the Capitol, frantically striving to secure for their masters the wealth-producing resources which they so eagerly covet.

Today we must say whether or not the birthright of the American people is to be surrendered to special-privilege seekers without even the trifling price named in the Bible as a mess of pottage. Shall we not rather as protectors of God's heritage to our children and children's children, bravely face special privilege in its worst form—oil and gas interests of mammoth proportions. Surely, we will not surrender weakly. No, on the contrary, let there resound over all the earth, to generations yet unborn, the message: "We have not failed you. Here, today, as trustees of the benefits provided for you by the Creator, we have boldly defied the enemy and have struggled faithfully for the sacred cause of justice."

Mr. ROGERS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROGERS of Texas. Mr. Chairman, I again address myself to a subject on which I have spoken in this Chamber several times. My reference is to the subject concerning what is commonly called the tidelands bill. As is and has been the case so many times in the past few years, this piece of legislation has fallen victim to a popular name that is a misnomer. This has resulted in considerable confusion, not only on the floor of Congress but in the minds of many people in this country who are unfamiliar with the background of the problem and who must depend upon hearsay for their information. The bill should be called the State boundary bill. It occurs to me that, in view of the ambiguities and the resulting confusion, it is the duty of someone to simplify this matter so that the crux of the situation can be made apparent. I sincerely wish that I had the mind of Thomas Jefferson and the tongue of Daniel Webster as tools with which to carry out this purpose. However, since God did not see fit to endow me with such outstanding qualities, I beg you to bear with me in a presentation of this most important issue, which I shall do to the best of my limited ability. In the first instance, the Congress should not be concerned in the consideration of this legislation with the question of oil or no oil underlying the territory in controversy. The existence of oil or other minerals under a piece of land does not make it less the property of the rightful owner, nor does the absence of riches in land more firmly secure the title of the owner. The sole basic question involved in this legislation concerns a boundary dispute and nothing more. The many other incidental issues that have been injected into the debate have served only to confuse and becloud. They cannot and will not settle the primary issue. Each and every one of these incidental matters can be treated separate and apart, and it is my opinion that if they are being used for the purpose of blinding the Members of this Congress to the problem at hand they should be settled separate and apart. However, I do not challenge the sincerity of those who have raised these incidental and ancillary matters, and I firmly believe that all matters concerning this question should be settled in one piece of legislation. But I beg you to take first things first and to treat the basic problem before you move out into the different tangents and facets that can be subsequently created.

Actually, the problem should never have arisen, and would not have had it not been for the greed of a small handful of power-hungry politicians coupled with a far-reaching and unprecedented decision of the Supreme Court, a decision that in effect changes the United States from a country made up of the several States, each having its own gov-

ernment and constituting an integral part of the whole, and supplanting therefor a nationwide political philosophy that presupposes a centralized government and erases State boundaries. The submerged lands that have been placed in controversy are either a part of the State which is located adjacent to the sea, or they are not owned by anyone. Certainly, it could not be logically argued that the submerged lands in Texas are actually a part of Iowa, Colorado, Montana, or any other inland State. The opponents might argue that the submerged lands are a part of the public domain of the Federal Government. In answer to this, I ask these opponents, Where did the Federal Government get title and by what procedure? Has our Federal Government exercised the power of a sovereign nation, moved into these lands as unclaimed lands, and asserted the right of sovereignty over them as against all other nations? Or have they acquired these lands by recognized legal procedures from the States of which they are a part? The answer to both questions is obviously "No." The opponents of the bill have argued in the debate that the title to these lands does not rest in the Federal Government. They then immediately make the conclusive assertion that the title to these lands does not rest in any of the States claiming them. If this is to be followed out to its logical conclusion, I ask these opponents to answer this question: "Where does the title rest?"

Is it the contention of the opponents that title to these lands hangs in midair, that it is an unclaimed portion of the earth, subject to the sovereign claims of the first nation asserting such a claim? Or do they claim that this land is a part of the open sea and subject to international law? They must choose if the problem is ever to be settled either as a domestic issue or an international issue. If they deny the ownership in the respective States adjacent to the ocean, they are opening the door to international complications and international problems, which they claim to be attempting to avoid. The entire matter goes back to one question. Since I am from Texas, I shall undertake to use Texas as an example. The question to be answered is simply this: When Texas was admitted to the United States, what was it that came into the United States? Are the opponents taking the position that only dry land came into the United States and that Texas lost a strip three leagues wide across her southern boundary when she accepted statehood? If so, to whom did these lands pass and by what medium were they transferred? The opponents say that title does not rest in the Federal Government and they also say that it does not rest in the States. Again I say, to whom did this title pass? No one will deny that when Texas obtained her independence from Mexico and became a sovereign nation, she had the power and exercised the power to fix her boundaries. Those boundaries on the southern side were fixed at three leagues in the Gulf of Mexico.

The Supreme Court does not say that title passed to the Federal Government. In fact, the Supreme Court's decision states that title is not vested in the Federal Government, but that the Federal Government has certain paramount rights which find their source in a coalition of the dominium and imperium. The Court admits that prior to Texas' entry into the Union she had both dominium — ownership or proprietary rights — and imperium — governmental powers of regulation and control. Texas admits that by her entry into the Union she did surrender imperium to the Federal Government, which is in effect the paramount power of the United States to control navigable waters for purposes of navigation in interstate and foreign commerce and for the defense of this Nation as a whole. However, dominium was not surrendered to the United States, and in order for the Supreme Court to reach the strange conclusion that it did reach in the Texas case, it had to beg the question concerning dominium and resort to what is termed the "equal footing" clause in the Constitution. The Supreme Court specifically admitted that the equal-footing clause had long been held to refer to political rights and to sovereignty, and then proceeded to extend the meaning of this clause to include proprietary rights. By its application as so extended, it then proceeded to strip Texas of a part of its property, to change its seaward boundary, and to lessen the area of Texas that actually came into the United States. To carry such an application of the equal-footing clause to its logical conclusion would be to reach the conclusion that there must be a complete resurvey of the United States made as to all States that came in on an equal footing so that those States would not only be on an equal footing, insofar as political rights and sovereignty were concerned, but that they must be composed of the same identical number of acres of land. The Supreme Court by this process of mixing dominium, imperium, and equal footing created a legal theory that does violence to all the basic principles of real-property law from the Code of Hammurabi to present-day decisions of our State and Federal courts.

Plainly and simply the treatment of the problem does not require complex theories and involved legal doctrines. It requires only the application of basic law of real property as it applies to boundaries. The other matters that have been injected into this debate are matters that would be proper subjects of legislation regardless of who owned the submerged lands. The primary question before this Congress is whether or not the Federal Government can summarily preempt the land of a State. If we in this country are ready to underwrite such a doctrine, God alone can save our Union. Either Texas is as large today as when it entered the Union, else the Federal Government has summarily preempted a strip of State land from the mouth of the Sabine to the Rio Grande 10½ miles wide.

It is the bounden duty of this Congress to unequivocally repudiate such a dangerous doctrine and to finally and definitely quiet the title of these submerged lands in their rightful owners, the States of which they are a part, and to forever end this controversy that was conceived in greed, born of political power, and nursed by prejudice.

Mr. MEADER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Chairman, I intend to vote against H. R. 4198, the bill to transfer submerged lands seaward of low tidewater mark from the United States to certain coastal States. I voted against similar legislation, H. R. 4484, in the 82d Congress, 2 years ago.

Mr. Chairman, I have no illusions. The bill will pass and become law. The vote in the House on similar legislation 2 years ago was 265 to 109. In the Senate the vote was 50 to 35. President Eisenhower will probably sign the bill. Nevertheless, I think this is bad legislation on principle and cannot give it my support.

My views are on the record as follows: CONGRESSIONAL RECORD, volume 97, part 7, page 9175; part 14, pages A5070–A5071; volume 98, part 4, pages 5249–5250; and March 30, 1953, pages 2490 through 2497. My views are also expressed in the printed hearings on the bill, and in House Report No. 215 on H. R. 4198, pages 122 and 123.

Mr. Chairman, there has been confusion in the public discussion of this legislation. For this reason, I set forth what the bill is and what it is not, as it appears to me.

First. The bill is a reversal of a decision of the Supreme Court of the United States.

In three cases between the United States and the States of California, Texas, and Louisiana the Supreme Court has, as I interpret its holdings, decided that the lands in question, and the oil therein, belong not to the individual States, but to the United States. Yet H. R. 4198 purports in its title "To confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf."

In title II, section 3 of the bill the United States confirms and vests title to the submerged lands in the States.

It is my position that the Congress does not under our Constitution possess the judicial power to determine controversies of this character.

The Constitution, article III, vests the judicial power of the United States "in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

The Supreme Court, article III, section 2, possesses original jurisdiction in all cases "in which a State shall be a party."

The Congress does not possess the power to reverse a judicial decision of the Supreme Court as such. However, the Congress does possess the power to alter

the law within the field of legislative authority granted it in the Constitution. Such change of the law must, however, operate in the future, since the Congress may not enact ex post facto laws—article I, section 9 of the Constitution. Furthermore, the Congress may not alter the Constitution. Changes in international law are commonly made through the treaty-making power, a much different procedure than the enactment of a statute.

The fact that the Supreme Court may be in error, or that we disagree with the Court does not alter the power of the Court or the power of the Congress. The power of a tribunal to decide controversies includes the power to decide them wrong. The finality of the authority of the Supreme Court in exercising the judicial power of the United States does not attach only in those cases where the Supreme Court is right.

I express no opinion on the correctness of the decision of the Supreme Court in the submerged-land litigation. As I view it, it is immaterial what decision I would have arrived at had I been a member of the Court. Frequently, I have been unable to agree with the findings and the logic of judicial decisions. Nevertheless, court decisions, even though erroneous, must be respected.

I do not believe the Congress has the power, under the Constitution to reverse a judicial decision of the Supreme Court. However, if the Congress does possess such power, I do not believe it should be exercised. The Congress is not equipped to consider litigation and hand down judicial decisions. Furthermore, under our doctrine of separation of powers—so important as a safeguard against tyranny—the prerogatives of a coordinate branch of the Government should be respected, perhaps most of all in situations where its action has been unpopular.

Second. The bill is a donation of Federal lands. I have never questioned the power of the Congress to transfer the public domain—article IV, section 3 of the Constitution. As a matter of policy, I do not believe it can be justified. National wealth belongs to all the American people. It should not be transferred to the States or any special group of citizens, at the expense of the rest. It is estimated that the oil alone in the submerged lands here involved is worth in excess of $40 billion. What else, in valuable minerals, lies beneath the sea in these lands, no one knows. Whether the mind of man can devise ways of exploiting these valuable deposits, if they exist, is likewise unknown.

Third. It is asserted that inland waters such as the Great Lakes are affected by the Supreme Court decisions in the Texas, California, and Louisiana cases. I am satisfied that this is not the situation; that no claim is made to the lands under the Great Lakes, and the title of the States to such lands is clearly settled by Supreme Court decisions. In *Illinois Central Railroad* v. *Illinois* (146 U. S. Rept. 387, 435), the Supreme Court held that the lands covered by fresh water in the Great Lakes are of the same character as lands covered by the tidewaters, and that ownership of and dominion and sovereignty over such lands belong the the respective States within which they are found. In the California, Texas, and Louisiana decisions there was no controversy or question that the lands covered by the ebb and flow of the tide belonged to the States. The question arose only with respect to lands seaward of low-water mark.

Fourth. In my judgment, the question of States rights or State sovereignty is not involved in this dispute. I do not regard the decisions of the Supreme Court in the Texas, California, and Louisiana cases, however erroneous they may be, as being an encroachment upon the sovereignty of the States. My vote against H. R. 4198 should not be construed as approval of any policy of Federal encroachment upon the rights of States or their sovereignty. I made this clear in a statement in the CONGRESSIONAL RECORD, volume 98, part 4, pages 5249–5250. My position with respect to preservation of the rights and sovereignties of States is made clear in the following portion of that statement, which I quote:

> I wish to serve notice on my ambitious, empire-building bureaucrats that efforts on their part to employ the tidelands decisions of the Supreme Court as a means of breaking down the sovereignty of States for the aggrandizement of the Federal Government will be met with the most effective and relentless resistance of which I am capable.
>
> Although Members of the Congress are officials of the Federal Government, they should consistently and continuously seek to protect State and local governments from the usurpations of the huge and ambitious bureaucratic monster we have permitted to grow so rapidly in our Nation's Capital. I have sometimes been critical of the inactivity and apparent indifference of officials in State and local governments when demands have arisen for new and unusual public services. I have been extremely critical of those who continually turn to Washington for handouts when frequently the services they seek could be better performed and at a lower cost in their own localities. State and local governments and the people, in my opinion, have not been as jealous as they should have been of the power and authority of the local governments and have not resisted vigorously enough the appealing, sugar-coated blandishments of the Washington Santa Claus.
>
> The equilibrium between the Federal and the State sovereignties must be maintained. As I viewed it, that question was not presented in the bill before the Congress. When it is presented, my vote and my efforts will be directed toward the maintenance of the political system so wisely conceived by our Founding Fathers.

Mr. WILSON of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WILSON of Texas. Mr. Chairman, I want to express my appreciation to all Members of the House who have assisted in the passage of tidelands legislation. As a member of the committee handling the legislation, I want to express my special appreciation to each and every member of the Texas delegation. Each of the other Members of the House from our State, 21 in number, has worked diligently in supporting me and the cause of Texas in the fight for our Texas tidelands. As the spokesman on the legislation for our delegation, I have done my best in behalf of our State. It was the feeling of our delegation that it would not be good strategy for all 22 Members from Texas to take the time of the House in prolonging the discussion and delaying the vote on this measure.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the legislation before the House supports one of the fundamental concepts of our American Government. It emphasizes perhaps more than any other issue during the last 50 years the intent of the founders of this Republic to recognize, preserve, and maintain the individual sovereignties of the several States. It is to be regretted that the necessity for this legislation has presented itself; it is no less imperative that this bill be enacted into law, reaffirming title to the States to lands which have historically been theirs.

In my opinion, there is but one issue involved: The philosophy of States' rights as set out in the Constitution of the United States, and specifically defined in the several treaties and contractual agreements with the States at the time of their admission to the Union.

Except for the Louisiana, Texas, and California cases which make this legislation necessary, the Supreme Court has recognized in its precedents through the years, State ownership of the lands in question. This had been accepted by the courts, the Congress, and by the public until the recent decisions in which the Supreme Court did a complete about-face and confiscated these lands for Federal use.

The trend toward centralization of authority and increased Federal power seems to have gained such momentum that it has invaded the inner chambers of our highest court, prevailing upon it to disregard legal precedent in favor of Federal aggrandizement. It is not a happy situation the Congress must act to right obvious errors of the courts; nor is it the usual role of Congress to supplant the Court as defender of the Constitution. Here, thought, an aroused public is demanding protection for the constitutional prerogatives of the States, and Congress appears to be its only avenue of relief.

As a practical matter, the question is presented today whether Congress will sanction Federal confiscation of 85 million acres of land from its legal and rightful owners, the States.

Historically, the boundaries of each State bordering the sea or the Great Lakes extended 3 miles beyond the coast line, except for the few States wherein—by treaty agreement at the time of admittance to the Union—the boundaries should extend beyond that limit. It has already been pointed out in this debate that no less than 53 Supreme Court decisions have confirmed these historical boundaries.

Since the production of tidelands oil became a reality, the Supreme Court has reversed its previous decisions to hold that the Federal Government has paramount rights over the minerals in these areas, under authority of supreme defense powers. If these decisions are permitted to stand, it is inconceivable to what extent the Supreme Court might authorize the Federal Government to take over land and property under the pretext of having supreme defense powers. It is not beyond the realm of possibility that—should this bill be defeated and the decision in the tidelands cases remain in effect—the property rights of every State and every individual would be subordinated to that of the Federal Government.

The 10th amendment to the Constitution makes this legislation an obvious necessity. In the face of the fifty-odd previous court decisions establishing the historic boundaries of the States, and in the absence of any legislation or Constitutional amendments vesting title to such lands in the Federal Government, one is constrained to wonder what kind of judicial reasoning could have prompted the California, Texas, and Louisiana decisions. Obviously, they fly in the face of the 10th amendment and the guaranties of sovereignty to the States.

As others have shown here, the Federal Government has never been in possession of these lands within the 3-mile limit; nor can they now take possession and make use of those beyond the 3-mile limits in the absence of specific authorization by Congress. It is imperative that Congress act under the legislation now before us to clear once for all the title to all submerged lands in question, clouded by the Supreme Court's determination that the Federal Government has paramount rights—however that term might be defined.

In a letter dated December 22, 1933, the then Secretary of the Interior, Mr. Harold Ickes, wrote Mr. Olin S. Proctor, a Federal lease applicant in California, that "it was a matter of settled law" that "title to the oil under the ocean within the 3-mile limit is in the State of California." He said, further, that the land could "not be appropriated except by authority of California." Later, Mr. Ickes abandoned this position, and joined the leftwing fringe of the New Deal to initiate the resultant confiscation of these lands by the Federal Government.

It is not unexpected that opponents of the tidelands legislation should label it as a gift to the States; or, as some of the more vehement ones might say, a "steal" by the States. Actually, the States cannot steal what is already theirs, nor can the Federal Government give to the States that which already belongs to the States.

Contrary to arguments made by some opponents of this legislation, it will increase—rather than decrease—revenues from these lands. Under present Federal law, the Secretary may issue mineral leases for the nominal sum of 50 cents per acre, and the majority of the leases thus far issued on these submerged lands by the Federal Government have been made at a rate of 25 to 50 cents per acre. It is an established fact that the States have required substantially higher considerations for the leasing of their public lands—some leasing for as much as $20 an acre. This fact in itself should nullify some of the arguments, at least, advanced by opponents of the measure that it advances the interests of the so-called oil lobby.

The measure presently before us contains authority for leasing by the Federal Government of lands between the 3-mile historical boundary and the edge of the Continental Shelf. In the absence of this legislation, such authority does not now rest with the Federal Government. Submerged lands of the Continental Shelf total about 237,000 square miles, of which only 26,000 is within the 3-mile limit. This means that less than one-tenth of these lands are within the historic State boundaries confirmed by this legislation; certainly, this could not be considered a "steal" on the part of the States. Even under this legislation the Federal Government is given a lion's share of these submerged lands—more than 90 percent.

While oil might have been the spark that touched off the so-called "tidelands" controversy, it is actually a byproduct of the real issue, which is that of conflicting philosophies of Government. Its answer will hinge upon Congress' desire to uphold the dignity and meaning of the Constitution.

Nor is oil the only valuable resource to be found in these submerged lands. The ownership of natural gas, iron ore, marine animals, and plant life—fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp—and countless other resources is directly involved in this controversy. It is so far-reaching, so monumental in its importance, that Congress is duty bound to settle this question with finality, and with the least practicable delay.

This legislation follows the heretofore established separation of proprietorship from governmental powers, giving due respect to both, but making certain that the right to use, develop, and control natural resources of and beneath the submerged lands is vested in the respective States as recognized for more than 100 years prior to the tidelands decisions.

THE AMERICAN INDIAN AND TIDELANDS OIL

Mr. MILLER of Kansas. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MILLER of Kansas. Mr. Chairman, my fellow colleagues, I have listened to learned discussions of the legal phases of the question as to who is the rightful owner of the mineral deposits beneath the surface of the tidelands. Is it Texas, Louisiana, and California on the one hand, or is it the Federal Government? Able men have spoken on both sides of this question and they honestly differ. I grant them that right. I admit I am finding it hard to decide between them.

But, Mr. Chairman, where there may be room for disagreement as to the rightful owners at this time, there can be no doubt who were the rightful owners not many years ago. Nor can there be any doubt as to how they became dispossessed. The American Indians were the rightful owners. We, our fathers, and our grandfathers, drove them from their inheritance. We forced them to abandon their fertile fields and settle upon the poorest land in every State in the Union. After destroying the bison which was their food and raiment, as was the aurochs of our ancestors in the forests of Europe for untold centuries, we abandoned them to the rigors of mountain and desert. We not only subjected them to semistarvation, we neglected their health and education. Shall we continue to carry on this system of neglect and abuse? Shall we send billions of dollars to South America, to the nations of Europe, Asia, and Africa, and neglect at home the very people we dispossessed? Charity should begin at home.

But, Mr. Chairman, the American Indian is not asking for charity. Far from it. He is asking for his just dues. He is not asking that he be given back the land we so wrongfully took from him. He asks only that he be given a just and fair deal.

If the tidelands at this time belong either to the individual States or the Federal Government, they at one time belonged to the Indans. Here is a grand opportunity to pay back a part of the debt we owe to them without any inconvenience to ourselves.

Whatever we reap as a harvest from the tidelands is in the nature of a windfall. Where then is so much dispute about what to do with the spoils? What better can we do than to devote a meager 10 percent as a tithe to rehabilitate the remnant of a mighty race that roamed this continent for thousands of years yet never wasted any of its natural resources?

We drove them from the valleys of the New England States. We drove them from Pennsylvania and New York. We drove them out of the valleys of the Ohio, the Mississippi, the Missouri, and into the badlands of the Dakotas. We drove them out of the valleys on the west coast, the Columbia, the Sacramento, the San Joaquin. Yes, and we drove them out of the southlands, out of Florida, and Louisiana, and Texas.

Our dealing with the American Indian is a fact of history, and it is a fact of which we can well be ashamed. The least we can do is to give justice in the present and provide for the future.

The American Indian was a noble race. He was a vengeful enemy, but he never betrayed a friend. The experience of William Penn proves that statement.

The Indian is an intelligent race. The first Attorney General of the United States, Edmund Randolph, was of Indian descent. The late Charles Curtis, one of the most highly respected Members of this House, later a United States Senator, and finally Vice President of the United States, was of Indian descent. The mother of one of the most highly respected families that ever lived in Brown County, Kansas, the Margrave family, was an Indian maiden of the Sac and Fox tribe. A granddaughter

is at present living here in Washington, and doing Red Cross work in this area. The Powhatan basketball team, composed mostly of Indian boys from the nearby Kickapoo Reservation, has for years been the best high-school team in northeast Kansas. One of America's greatest and most-beloved humorists, the late Will Rogers, was an Oklahoma Indian. The greatest athlete of modern times was Jim Thorpe, an Oklahoma Indian.

My colleagues, let us do justice to a great race that, in our haste and our greed, we have made almost destitute. This Congress will do honor to itself and win the acclaim of the American people by passing this amendment.

Mr. ENGLE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ENGLE. Mr. Chairman, my support of California's position on this bill is based upon the plain equities of the case. There is no use arguing the law—the Supreme Court has said what the law is, and whether we like it or not the Supreme Court has the last guess on what the law is. But, that does not change the equities, and Congress has the right—and the responsibility—of recognizing these equities, as the Supreme Court in its decision clearly stated. We are following the suggestion of the Supreme Court in seeking the passage of this legislation.

Now what are the equities? Let me put it this way. How would you feel if you and your family for over a hundred years, more than four generations, had owned a piece of property, exercised every incident of ownership, recognized by everyone, including your neighbors, then someone tried to kick you off a part of that property by reason of a technical defect in the legal papers? You would not like it, and you would cry to high heaven for equity. Any court in the land would promply give you a decree in equity—even on a much shorter time. Now the Supreme Court in the California case did not give us a decree, but said that you cannot adverse the Federal Government, and that the ordinary rules applicable between individuals do not apply where the Federal Government is concerned. But that does not change the equities, they are the same, and the equity and fairness that would give an individual a title under similar circumstances have the same moral force against the Government as against an individual.

But let us go a step further. Let us assume that the neighbor who now questions your title had made a contract with you as to where the line was, and a fence on the line had been effected which was recognized and respected by both you and him over a long period of time. In 1850 Congress—on behalf of the Federal Government, our neighbor who now questions our title—recognized the constitutional boundaries of California upon its admission to the Union. They were specifically set forth as 3 miles into the Pacific Ocean. That was a contract with the Federal Government and the other States of the Union; it controlled the conditions under which we came into the Union. It has the same moral force and validity—and should have the same legal effect—as a written contract between you and your neighbor fixing the line between your property and his.

But that is not all. Let us assume that you and your neighbor honored and kept that contract for over a hundred years. That when he wanted a right-of-way or a little property on the boundary, he came and bought it from you, paying his hard cash and thus acknowledging your title. It must be remembered that in 14 separate instances the Federal Government has paid for land admittedly in the 3-mile belt. There have been 181 other instances of such purchases, but in some of them it is claimed that they involved inland waters, although we do not agree that is true. However that may be, there is no question that the record clearly shows that every agency of the Federal Government admitted and recognized California's title. Secretary Ickes wrote a letter plainly saying so in December of 1933. The Interior Department on 30 separate occasions has formally ruled that these areas belonged to the States. There are 49 Attorney General's opinions to the same effect. The Army and Navy Departments have always treated these lands as owned by the States, for over a hundred and fifty years.

But that is not all. Let us assume that your title to your property has been in litigation from time to time. And that in 52 separate Supreme Court decisions that court has said that you owned it and owned it all. That 244 Federal and State court decisions have said the same thing. Can there be any question about that? Justice Black who wrote the majority opinion in the California case said that the Supreme Court "has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not."

Now, suppose that based upon all that record—starting with the original contract with your neighbor who now questions your title—you had spent many thousands of dollars—in this instance millions of dollars in our State—improving your property; that you had filled in lands, built harbors, docks, and warehouses, and made leases on that property—all in reliance on that contract, the court decisions, and your long and unquestioned occupancy and use. Do you think that it would be equitable to turn all that over to your neighbor who has found a technical point, and now wants to grab your property together with all it's improvement—although he must admit that he agreed with you to begin with where the line is, and that he and everybody else including the Supreme Court accepted and recognized that line for over a hundred years?

It is a little strange to me that we Californians who are defending our State's historic title are charged in some places with being robbers. We are trying to prevent robbery—in broad daylight too—of the property we have had by contract, by court decision, by actual occupancy and improvement, recognized by everybody and never challenged by anybody, including the party now questioning our title, for over 4 generations and 100 years.

Let us not get mixed up on who are the victims and who are the robbers. I am sure this House will not. It has not in the past. And I hope that the action which the Congress takes on this bill brings to an end one of the most discreditable chapters on the part of the Federal Government in the long history of Federal-State relations.

Mr. HOSMER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Chairman, in dealing with the decisions of the United States Supreme Court, in the cases against California, Texas, and Louisiana, we are dealing with the law, as it is stated to be by the highest Court of the land, irrespective of whether or not we agree with the decision of that Court. I am sure that many of my colleagues concur that the decision, in our opinion as attorneys, defies the historic belief that title to the submerged lands within the historic boundaries of our Nation, was in the States.

But now, in this discussion and in the vote to come, we are not dealing with abstractions. We are dealing with a part of our present law and we must look to that law as it is. And we must look to it as law, stripped of propaganda and assertions of facts that may or may not be true.

We have heard from this well the assertion that, three times the Court has ruled that the oil belongs to the people of the United States, that this bill is a giveaway, that it is sponsored by the oil lobby, and so on, ad infinitum. These matters are assertions of fact and their truth or error is of no consequence, because the issue before this House is one of principle and law, not of fact.

And the law of the cases of the Supreme Court, with which we are dealing, is that neither the States nor the Federal Government has title to the lands within the historic boundaries. I repeat, the law of this land is that neither the Federal Government nor any of the States has any title to this territory. It is virgin territory.

The only ruling that the Court made in these cases was that the United States has a paramount right in that area, based on external sovereignty. Now, in dealing with this matter, the Court was dealing with a question of international law. It conceives the law of the nations to be in these areas that the nations, because of their external sovereignty, have certain paramount rights. That international law, as stated by our Supreme Court, and if the Court is correct, has the same applicability to Canada or to Russia, as it does to these United States, or to any other nation

of the world, whether this side of, or behind the Iron Curtain.

We are simply dealing with a legal concept, which is the common concept of sovereignty of all independent nations that exist in the world. That sovereignty, as defined by the law of the nations.

And we find that that law as stated by our Supreme Court, defines paramount rights as an incident to external sovereignty. That is an abstract legal status. That is a condition and that is the condition with which we are dealing.

We are not dealing primarily with the disposition of whatever natural resources be within those boundaries. That is only incidental. We are dealing with laws and principles of sovereignty and the exercise of the power that lies inherent within that sovereignty. We are dealing with how, as a matter of policy, should the United States of America exercise that power.

If we view this as a matter of law and principle, then our votes on the bill can be made without passion or prejudice, and without investigation of the truth or falsity of the various assertions of fact by both sides that have been made in connection with the submerged lands controversy.

It is simply a matter, today or tomorrow, when we vote upon this bill, of exercising an attribute, an inherent quality, a power of our sovereignty, that the United States Supreme Court has declared the law of nations gives us, that lies inchoate within our Government, awaiting exercise by this legislative branch of our Government.

Now, therefore, under this pure legal concept, which is the law of our land, the action by the House cannot be a vesting or giving away of title or assets, or national resources, or anything else that is a property right of the Federal Government.

It can be and is only an exercise of that power of sovereignty which is to establish title in virgin territories where no title before has been established by an exercise of the power of a sovereign.

Let me give an example: Had not the British sovereign exercised its inchoate, internal, and external sovereignty by a positive act, there would never have been created private title within the British Empire. Likewise, had not the British sovereign, in an exercise of its sovereignty, issued charters to the American colonies in the new virgin land of America where no title before existed, there would not have been any chain of titles within the United States of America, or its predecessor colonies.

In this legislation before the House, we are not therefore giving away any title. We are not vesting any title. We are merely acting within the power of our sovereignty to establish title where none existed before.

And it is of paramount importance that we do establish such titles by the passage of this legislation, for our economic life, the economic life which has developed this Nation into the greatest and richest nation in the world, is based on the concept of private property and private titles. Should we fail, refuse, or neglect to establish those titles in new areas of potential economic development, we hamper and circumscribe the progress of our Nation. Moreover, we make it impractical to develop under our system of economy, the natural resources and wealth of the Nation which is needed for our defense.

I hope that this concept, one of law and not one of prejudice or passion, will supply the basis upon which those of my colleagues who are coming to grips with this problem of the submerged lands for the first time, may find it within their logic to say that it shall once and for all by us be settled and resolved, so that the orderly processes of our national and economic life may proceed.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CURTIS of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf, pursuant to House Resolution 193, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CELLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CELLER. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CELLER moves to recommit the bill H. R. 4198 to the Committee on the Judiciary.

Mr. HALLECK. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that further proceedings in connection with the measure now before us be postponed until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CALENDAR WEDNESDAY

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

HOUR OF MEETING TOMORROW

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

SPECIAL ORDER GRANTED

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of all matters on the Speaker's desk, the gentleman from California [Mr. PHILLIPS], may address the House for 45 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SIEMINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter to appear in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

[Mr. SIEMINSKI addressed the House. His remarks appear in the Appendix.]

LEAVE OF ABSENCE

Mr. SMITH of Wisconsin. Mr. Speaker, in connection with a special study mission which will depart for Europe on April 3 and return on April 20, I am authorized to request that the members of that committee be permitted official leave of absence for that period. The group, besides myself, comprises the gentleman from Connecticut [Mr. MORANO], the gentlewoman from Illinois [Mrs. CHURCH], the gentleman from Vermont [Mr. PROUTY], and the gentleman from Virginia [Mr. HARRISON].

KOREA

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. LYLE] is recognized for 15 minutes.

Mr. LYLE. Mr. Speaker, Korea claims the headlines today. It claims our thoughts every day. Sadness and anger necessarily prejudice our thinking and discussions of our involvement in Korea. Its tragedy lies heavy upon our hearts. We cannot fathom the brutal senselessness of a war locked in place by design. We are too provincial to accept without question the expenditures of billions of dollars for weapons we refuse to use, or to rationalize daily bloodshed for an enemy we refuse to defeat. Too many of us play our unhappy part in this war in an atmosphere of blindness, knowing neither where we are nor where we are going.

There is a vagueness and mystery, if not apathy, about this action which seems to make it a war without a beginning or ending—without even a name.

HOUSE BILL PLACED ON CALENDAR

The bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf, was read twice by its title and ordered to be placed on the calendar.

INCLUSION OF AN ESCALATOR CLAUSE IN CONTRACTS TO PROVIDE ADJUSTMENTS FOR APPROVED PRICE AND WAGE INCREASES — CHANGE OF REFERENCE

Mr. LANGER. Mr. President, by authority of the Committee on the Judiciary I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 413) to encourage the making of contracts with the United States by requiring the inclusion of an escalator clause to provide adjustments for approved price and wage increases, and that the bill be referred to the Committee on Banking and Currency.

I have taken the matter up with the Senator from Indiana [Mr. CAPEHART], chairman of the Committee on Banking and Currency, and he has agreed that this course be taken.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

NOTICE OF HEARING ON NOMINATION OF EDWARD L. SCHEUFLER, TO BE UNITED STATES ATTORNEY, WESTERN DISTRICT OF MISSOURI

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 9, 1953, at 2 p. m., in room 424, Senate Office Building, upon the nomination of Edward L. Scheufler, of Missouri, to be United States attorney for the western district of Missouri, vice Sam M. Wear, resigning. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Missouri [Mr. HENNINGS].

NOTICE OF HEARING ON NOMINATION OF OMAR L. SCHNATMEIER, TO BE UNITED STATES MARSHAL, EASTERN DISTRICT OF MISSOURI

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 9, 1953, at 2 p. m., in room 424, Senate Office Building, upon the nomination of Omar L. Schnatmeier, of Missouri, to be United States marshal for the eastern district of Missouri, vice Otto Schoen. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Missouri [Mr. HENNINGS].

NOTICE OF HEARING ON NOMINATION OF CLIFFORD M. RAEMER, TO BE UNITED STATES ATTORNEY, EASTERN DISTRICT OF ILLINOIS

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 9, 1953, at 2 p. m., in room 424, Senate Office Building, upon the nomination of Clifford M. Raemer, of Illinois, to be United States attorney for the eastern district of Illinois, vice William W. Hart, resigned. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Missouri [Mr. HENNINGS].

NOTICE OF HEARING ON NOMINATION OF JOSEPH IRA KINCAID TO BE UNITED STATES MARSHAL, DISTRICT OF THE CANAL ZONE

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 9, 1953, at 2 p. m., in room 424, Senate Office Building, upon the nomination of Joseph Ira Kincaid, of Maryland, to be United States marshal for the district of the Canal Zone, vice John E. Hushing, resigned. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Missouri [Mr. HENNINGS].

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, and so forth, were ordered to be printed in the Appendix, as follows:

By Mr. ROBERTSON:

Statement prepared by him, entitled "Rochambeau, Freedom's Friend," concerning the movement under way in the State of Virginia to mark the route taken by Lieutenant General Rochambeau and his troops during the Revolutionary War.

By Mr. LEHMAN:

Article entitled "Toward a New Immigration Policy," written by him and published in the Journal of International Affairs.

By Mr. LANGER:

Letter received by him from the Reverend Ulric J. Proeller, S. A. C., of Hillsboro, N. Dak., dated March 27, 1953.

By Mr. SALTONSTALL:

Address on the subject Justice for Poland, delivered by Hon. Christian Herter, Governor of Massachusetts.

By Mr. HUMPHREY:

Tributes paid to Senator LEHMAN at a testimonial dinner at the Waldorf Astoria Hotel, New York, on March 20, 1953.

Messages from Representative MELVIN PRICE, of Illinois, concerning the 14th anniversary of the independence of Slovakia.

Editorial written by Morris H. Rubin, and published in the Progressive, paying tribute to the late Robert Marion La Follette, Jr.

By Mr. MARTIN:

Statement by Mrs. Hannah M. Durham, editor of a Congressional Bulletin published by the Pennsylvania Council of Republican Women, following her visit to Russia in 1934.

By Mr. WELKER:

Editorial entitled "The Tragedy of the Times" published in the Boston Herald of March 27, 1953.

By Mr. WATKINS:

Article by Walter G. Moyle, of Washington, D. C., on the need for appellate review of Tax Court decisions in excess-profits cases under section 722 of the Internal Revenue Code.

By Mr. BYRD:

Article entitled "The Sculpture of Liberty for the Yorktown Victory Monument," written by Oskar J. W. Hansen, sculptor.

By Mr. KEFAUVER:

Editorial entitled "The Treatymaking Power," published in the New York Herald-Tribune of February 21, 1953, discussing the proposed Bricker amendment to the Constitution with relation to the making of treaties.

By Mr. THYE:

Poll of farmers regarding present prices of agricultural commodities, conducted by the Minnesota Poll of Public Opinion, published in the Minneapolis Sunday Tribune, March 29, 1953.

TRIBUTE TO FRANCIS S. MURPHY, EDITOR AND PUBLISHER OF THE HARTFORD (CONN.) TIMES

Mr. PURTELL. Mr. President, I ask unanimous consent to speak for 2 minutes in tribute to Mr. Francis S. Murphy, editor and publisher of the Hartford Times, of Hartford, Conn.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Connecticut may proceed.

Mr. PURTELL. Mr. President, our greatness as a Nation—as a Union of States—is measured, it is true, by the contribution in ability, in time, in effort, by all of us collectively, but guided by leaders of outstanding attributes whose interests are primarily the interests of their fellow men. Such a man is Mr. Francis S. Murphy, editor and publisher of the Hartford Times, of Hartford, Conn. The full page feature article in the Bridgeport Post of February 15, 1953, by my friend, Tere Pascone, presents the story of Frank Murphy so well and completely that I am taking the liberty of quoting from and using its contents liberally in paying my homage to Publisher Murphy.

Mr. Murphy has been called Mr. Connecticut, and a review of his contributions in many fields to the welfare of the people of Connecticut clearly indicates his right to the title. His life's story is the truly American story—America at its best. Mr. Murphy was born in New Haven, Conn., October 12, 1882, the son of Henry J. and Mary Ann Murphy. His grandparents had come from County Cork, Ireland. His father was a triphammerman by trade and Frank Murphy was the first-born of five children.

bia. Humanitarian reasons alone are enough, in my judgment, to cause us to want the District of Columbia to have the finest and most modern hospitals in the world. We owe that to the people of Washington and to our Nation's Capital.

EASTER ADJOURNMENT BY HOUSE OF REPRESENTATIVES

The PRESIDING OFFICER (Mr. PAYNE in the chair) laid before the Senate House Concurrent Resolution 90, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourn on Thursday, April 2, 1953, it stand adjourned until 12 o'clock meridian, Monday, April 13, 1953.

Mr. TAFT. Mr. President, I move that the Senate concur in the concurrent resolution. In effect it gives the consent of the Senate that the House may adjourn for a period of 10 days, which otherwise it could not do under the Constitution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to.

Mr. TAFT. Mr. President, is the morning business concluded?

The PRESIDING OFFICER. If there are no further routine matters to be presented, the morning business is closed.

TITLE TO CERTAIN SUBMERGED LANDS

Mr. TAFT. Mr. President, I move that the Senate proceed to the consideration of Order No. 128, Senate Joint Resolution 13.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The LEGISLATIVE CLERK. A joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio.

Mr. HILL. Mr. President, as I stated——

The PRESIDING OFFICER. The motion is not debatable.

Mr. HILL. The motion is not debatable?

The PRESIDING OFFICER. Not during the morning hour.

Mr. HILL. I thought the Chair had announced that the morning hour was closed.

Mr. TAFT. The morning hour does not close until 2 o'clock.

The PRESIDING OFFICER. The Chair announced the morning business was closed.

The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to, and the Senate proceeded to consider the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to natural resources within such lands and waters, and to provide for the use and control of said lands and resources, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the resolving clause and insert:

That this joint resolution may be cited as the "Submerged Lands Act."

TITLE I

DEFINITION

SEC. 2. When used in this joint resolution—

(a) The term "lands beneath navigable waters" means—

(1) all lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such land and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction;

(2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line 3 geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State become a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Gulf of Mexico) beyond 3 geographical miles, and

(3) all filled in, made, or reclaimed lands, which formerly were lands beneath navigable waters, as hereinabove defined;

(b) The term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 4 hereof;

(c) The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters;

(d) The terms "grantees" and "lessees" include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or from its predecessor sovereign if legally validated, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however,* That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;

(e) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power;

(f) The term "lands beneath navigable waters" does not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States and if the title to the beds of such streams was lawfully patented or conveyed by the United States or any State to any person;

(g) The term "State" means any State of the Union;

(h) The term "person" includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation;

TITLE II

LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

SEC. 3. Rights of the States:

(a) It is hereby determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof;

(b) (1) The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; (2) the United States hereby releases and relinquishes all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters; and (3) the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary of the Interior or to the Secretary of the Navy or to the Treasurer of the United States and subject to the control of any of them or to the control of the United States on the effective date of this joint resolution, except that portion of such moneys which (1) is required to be returned to a lessee; or (2) is deductible as provided by stipulation or agreement between the United States and any of said States;

(c) The rights, powers, and titles hereby recognized, confirmed, established, and vested in and assigned to the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however,* That, if oil or gas was not being produced from such lease on and before December 11, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein; or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That within 90 days from the effective date hereof (1) the lessee shall pay to the State or its grantee issuing such lease all rents, royalties, and other sums payable between June 5, 1950, and the effective date hereof, under such lease and the laws of the State issuing or whose grantee

issued such lease, except such rents, royalties, and other sums as have been paid to the State, its grantee, the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States and not refunded to the lessee; and (ii) the lessee shall file with the Secretary of the Interior or the Secretary of the Navy and with the State issuing or whose grantee issued such lease, instruments consenting to the payment by the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States to the State or its grantee issuing the lease, of all rents, royalties, and other payments under the control of the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States or the United States which have been paid, under the lease, except such rentals, royalties, and other payments as have also been paid by the lessee to the State or its grantee;

(d) Nothing in this joint resolution shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any right of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power;

(e) Nothing in this joint resolution shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the 98th meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

SEC. 4. Seaward boundaries: The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographical miles distant from its coast line. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coastline, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

SEC. 5. Exceptions from operation of section 3 of this joint resolution: There is excepted from the operation of section 3 of this joint resolution—

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the law of the State or of the United States, and all lands which the United States lawfully holds under the law of the State; all lands expressly retained by or ceded to the United States when the State entered the Union; all lands acquired by the United States by eminent domain proceedings, purchase, cession, gift, or otherwise in a proprietary capacity; all lands filled in, built up, or otherwise reclaimed by the United States for its own use; and any rights the United States has in lands presently and actually occupied by the United States under claim of right;

(b) such lands beneath navigable waters held or any interest in which is held, by the United States for the benefit of any tribe, band, or group of Indians or for individual Indians; and

(c) all structures and improvements constructed by the United States in the exercise of its navigational servitude.

SEC. 6. Powers retained by the United States: (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights or management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution.

(b) In time of war or when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

SEC. 7. Nothing in this joint resolution shall be deemed to amend, modify, or repeal the acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto.

SEC. 8. Nothing contained in this joint resolution shall affect such rights, if any, as may have been acquired under any law of the United States by any person in lands subject to this joint resolution and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing contained in this joint resolution is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this joint resolution, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this joint resolution.

SEC. 9. Nothing in this joint resolution shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 2 hereof, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed.

SEC. 10. Executive Order No. 10426, dated January 16, 1953, entitled "Setting Aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve", is hereby revoked insofar as it applies to any lands beneath navigable waters as defined in section 2 hereof.

SEC. 11. Separability: If any provision of this joint resolution, or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the joint resolution and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby; without limiting the generality of the foregoing, if subsection 3 (a) 1, 3 (a) 2, 3 (b) 1, 3 (b) 2, 3 (b) 3, or 3 (c) or any provision of any of those subsections is held invalid, such subsection or provision shall be held separable and the remaining subsections and provisions shall not be affected thereby.

The PRESIDING OFFICER. The committee amendment, being in the nature of a substitute for the text of the joint resolution, the amendment will be, for the purpose of amendment, considered as the original text and not as an amendment in the first degree. Any amendment thereto is open to amendment.

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Griswold	McClellan
Beall	Hayden	Millikin
Bennett	Hendrickson	Morse
Bricker	Hennings	Mundt
Bridges	Hickenlooper	Murray
Bush	Hill	Neely
Butler, Md.	Holland	Pastore
Butler, Nebr.	Humphrey	Payne
Byrd	Hunt	Potter
Capehart	Ives	Purtell
Carlson	Johnson, Colo.	Robertson
Case	Johnson, Tex.	Russell
Clements	Johnston, S. C.	Saltonstall
Cooper	Kefauver	Smith, Maine
Cordon	Kennedy	Smith, N. J.
Daniel	Kerr	Sparkman
Dirksen	Kilgore	Stennis
Douglas	Knowland	Symington
Duff	Kuchel	Taft
Dworshak	Langer	Thye
Ellender	Lehman	Tobey
Ferguson	Long	Watkins
Flanders	Malone	Welker
Frear	Mansfield	Wiley
Fulbright	Martin	Williams
Goldwater	Maybank	Young
Gore	McCarran	
Green	McCarthy	

Mr. SALTONSTALL. I announce that the Senator from Wyoming [Mr. BARRETT] and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Kansas [Mr. SCHOEPPEL] is absent by leave of the Senate on official committee business.

Mr. CLEMENTS. I announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ] are absent by leave of the Senate on official business.

The Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. HOEY and Mr. SMITH], the Senator from Washington [Mr. JACKSON], and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business.

The Senator from Georgia [Mr. GEORGE] is absent by leave of the Senate.

The Senator from Iowa [Mr. GILLETTE], the Senator from Washington [Mr. MAGNUSON], and the Senator from Florida [Mr. SMATHERS] are absent by leave of the Senate on official committee business.

The PRESIDING OFFICER. A quorum is present.

Mr. CORDON. Mr. President, I wish to take this opportunity to express my appreciation to the chairman of the Committee on Interior and Insular Affairs, Hon. HUGH BUTLER of Nebraska, for having given me the opportunity to sit as acting chairman of the committee during the hearings and subsequent proceedings with respect to the several bills and resolutions before the committee on the general subject of submerged lands.

I desire also to state, at this time, that the members of the committee, holding sharply different views on the subject matter, were all very cooperative in the hearings and in the later considerations in executive session, and I express my appreciation to them also.

Mr. President, the subject matter before the Senate this afternoon is not new to the Senate or to the House of Representatives. It has been before the Senate and the House numerous times. Action was taken by both bodies in the 79th Congress. Committees of the House and Senate considered submerged lands at length in the 80th Congress. In the 81st Congress, hearings were held by the committees and the matter was discussed at length on the floor.

SUBJECT THOROUGHLY DEBATED

In the 82d Congress it was again before both Houses, and a measure respecting submerged lands was passed by both Houses.

So it would seem, Mr. President, that certainly there are few subjects which have been considered more thoroughly and debated more generously than has the subject of which, as between the Federal Government and the States, should have title and control over the lands beneath the navigable waters within the State boundary lines of the several States.

In the current session of Congress, when hearings were requested on the bills, the Senator from Oregon had hoped that the hearings might well be limited to such new matter as might not already have been heard and considered in past years. However, Mr. President, early in the hearings it was made amply apparent that this hope was a vain one. It was clear that the hearings should not be so limited. It was most difficult if not impossible, to restrict witnesses in their testimony, so as to have a record made purely as a supplement to the record theretofore made.

As a result of, in effect, tossing into the discard the usual rule of procedure, we have before us today hearings comprising 1,282 pages of testimony and exhibits. In addition, a considerable amount of documentary data is on file with the committee. Despite the size of this volume of hearings, there is, in fact, very little that is new in the testimony or the exhibits.

PROBLEM GROWS OUT OF SUPREME COURT DECISIONS

Mr. President, the problem facing us in connection with this proposed legislation results from three decisions of the United States Supreme Court adjudicating the legal status of lands below the low-water mark outside the inland waters and within the statutory boundaries of the States of the United States having tidal waters along their shores, and from certain language appearing in those decisions which makes uncertain the law with respect to the ownership of lands beneath navigable waters, landward from the areas just mentioned, that is to say, lands beneath navigable waters, inland from those adjoining the open sea, such as in rivers, and in lakes.

I shall not long detain the Senate with any historical statement of the problem. I merely wish to say that from the beginning of this Nation the States known as littoral States, having boundaries on the seaward side of the Atlantic Ocean, and later the Gulf of Mexico and the Pacific Ocean, always considered and always believed that as States they owned the lands beneath all the navigable waters within their statutory boundaries. Through the years the States have acted upon that belief.

UNIFORM DECISIONS AS TO STATE OWNERSHIP

From time to time disputes arose among private owners, and on the part of private owners with States, as to whether the land beneath navigable waters within each State was, in fact, owned by the State. Until the California case in 1947, the decisions were uniform; and all were to the effect that the Original Thirteen States, when they created the United States, and the succeeding States, as they were admitted into the Union, became by virtue, first, of their sovereignty as among the Original Thirteen States, and later, as admitted States on an equal footing with the Thirteen Original States, possessed of title to all the land beneath the waters within their several boundaries. No dissenting voice was heard. At no time, Mr. President, was there raised any question as to that ownership.

Relying upon court decisions—and there were many—and upon administrative decisions—and there were even more of them—the States, from time to time, improved the lands beneath their navigable waters, and, time after time, granted by express conveyance title to portions of the lands beneath such navigable waters. Great ports were created, harbors were improved, and land was made where previously there had been only water. Untold millions of dollars, tens of millions of dollars—yes, hundreds of millions of dollars—were invested in areas of this character, and vast productive wealth added thereby to the basic assets of the United States.

This belief held by the States and their representatives, legislative, judicial, and executive, and likewise held, announced, and acted upon by all the executive officials of the United States Government, and enunciated by State and Federal courts alike, led every individual who had ever given any thought to the matter to the conclusion that there could be no question as to the legal status of the submerged lands within the boundaries of the States of the United States.

SUPREME COURT PREVIOUSLY HELD STATES OWNED THE LANDS

An outstanding case on this point, Mr. President, was the case of Pollard against Hagan's Lessee, decided by the Supreme Court of the United States in 1844, and found in 3d Howard at page 212. Experts in the law, on the bench, and at the bar, were generally—I may say universally—of opinion that that case was decisive of this question.

Another well-known case, Shively against Bowlby, came to the United States Supreme Court from my own State of Oregon, holding and enunciating the same views.

Mr. HILL. Mr. President, will the Senator yield?

Mr. CORDON. For a question, the Senator from Oregon will be happy to yield.

Mr. HILL. The Senator from Oregon, of course, recognizes, does he not, that the Pollard against Hagan's Lessee case dealt strictly with the tidelands, a question which is not at all involved in the issue which now confronts us?

Mr. CORDON. Mr. President, the philosophy expressed in the opinion of the Court in the Pollard case was precisely as the Senator from Oregon has suggested. The Pollard case went so far that Mr. Justice Black, in the first of the three submerged-lands decisions—namely, the decision in *U. S.* v. *California* (332 U. S. 19)—said in referring to the rule in the Pollard case, that the Court had "used language strong enough to indicate that the Court then believed that States not only owned the tidelands and soil under navigable waters or inland waters, but also own the soil under all navigable waters within their territorial jurisdiction, whether inland or not."

Mr. HILL. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield.

Mr. HILL. Will the Senator from Oregon read further what the Court said in that case or may I read it for him?

Mr. CORDON. I shall be happy to have the Senator from Alabama read it.

Mr. HILL. The next sentence in the opinion of the Supreme Court, following the sentence which the Senator has just read, is as follows:

> All these cases were, however, merely paraphrases or offshoots of the Pollard inland water rule, and were not used as an enunciation of a new ocean rule, but as an explanation of the old inland water principle.

Mr. CORDON. Mr. President, the Senator from Oregon stands on the statement that has just been made, and on the quotation that has just been read from the decision.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CORDON. In one moment, please. The Senator from Oregon wants to make it abundantly clear this time that the Supreme Court, in the California decision, overruled the views expressed in the Pollard case and in the Shively against Bowlby case, and all the other cases; there can be no question about that. The Senator from Oregon is calling attention to a condition that exists, to beliefs that were held, and to action that was taken for over a hundred years, predicated upon the belief in the soundness of the views set forth in the Pollard case.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CORDON. I am glad to yield.

Mr. DOUGLAS. Are not the facts of the Pollard case those described by the Senator from Alabama, namely, that it referred to tidelands in Mobile Bay which, in the course of time, had become filled land, and therefore, in the Pollard case, is it not true that the Court was simply passing on the question of tidelands and filled land, and not the question of submerged lands seaward from the low watermark?

Mr. CORDON. The Senator from Oregon suggests that the Senator from Illinois is making, or attempting to make, the old differentiation between dicta in an opinion and language in an opinion dealing directly with the issues.

Mr. DOUGLAS. That is precisely the point I am trying to make, and it is very germane.

Mr. CORDON. The Senator from Oregon yields no further.

Mr. DOUGLAS. I beg your pardon.

Mr. CORDON. The Senator from Oregon has given his views on that point, and he believes that the Senator from Illinois will agree with him that that is the distinction he seeks to make.

Mr. DOUGLAS. May I ask the Senator a further question?

Mr. CORDON. The Senator will yield.

Mr. DOUGLAS. Is it not true that in every case having to do with this subject, prior to the California case, the issues involved factual questions concerning (a) tidelands proper or the land between the high and low watermarks, washed daily by the tides, (b) land underneath rivers, (c) land underneath lakes, and (d) land underneath bays and harbors, all of which have been regarded as inland waterways? And is it not further true that, for the first time, in the California case the issue arose as to paramount rights in the submerged lands seaward from the low watermark?

Mr. CORDON. In answer to the Senator from Illinois, the Senator from Oregon, first frankly admits that he has not read all of the hundred-odd cases in detail. He has relied somewhat on digests. Many of those he has read. The Senator from Oregon stated that the expressions of the Court, where those expressions indicated a belief of the Court with reference to the status of lands outside inland waters, were accepted and relied upon by the States and by the officers of the United States, until the 1947 decision; and it is wholly immaterial whether they were dicta or were not dicta.

Mr. DOUGLAS. Mr. President, will the Senator yield for a further question?

Mr. CORDON. The Senator from Oregon will yield for a question; yes. He would like to proceed with his explanation, if he might, but he also desires to be as courteous as is possible.

Mr. DOUGLAS. I am sure it is the desire of the Senator from Illinois to have the Senator from Oregon proceed with his explanation. I should like at this time to compliment the Senator from Oregon for the very fair way in which he conducted the hearing. No chairman could have been fairer.

Mr. CORDON. I thank the Senator.

Mr. DOUGLAS. But is not the Senator from Oregon expressing himself on an issue which is not before the Senate? As he has correctly described it, an obiter dictum is a remark not connected with the facts at issue and is, therefore, not binding upon future courts and future decisions.

Mr. CORDON. The Senator from Oregon believes that is a fair statement of the weight which may be technically and legally placed on obiter dicta. The Senator from Oregon, Mr. President, is making the point that in the cases referred to the officers of States, the officers of the Federal Government, and the courts themselves did not so deem their opinions. The States relied upon the opinions as being decisions in matters in issue, and acted upon that reliance, and did so until they were met head on by the decision in the California case in 1947.

Mr. LONG. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield to the Senator from Louisiana.

Mr. LONG. In regard to the so-called legal hairsplitting, may I point out that even before the Pollard case, Chief Justice Taney, in 1842, made this statement with regard to the bed of Raritan Bay—a question which was at that time being adjudicated:

> For when the Revolution took place, the people in each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soil under them.

There was the Supreme Court, speaking through its Chief Justice, who was living at the time of the Revolution and at the time when the Nation was conceived, saying that the States became completely sovereign in their own right to the beds of all navigable waters.

It is such language as that which caused Mr. Justice Black, in 1946, to write in the majority opinion in the California decision that the courts had been saying for a hundred years that the property belonged to the States. It is true that the Court did not have before it the question of waters in the marginal sea, but the Court was making clear that the States own all parts of all navigable waters within their boundaries.

Mr. CORDON. I thank the Senator from Louisiana for his contribution. It emphasizes the one point which the Senator from Oregon desires to make, and that is not whether any decision or a group of decisions had to do in essence at the moment with a problem which is inside or which is outside that indefinable line known as the line of inland waters, because the Supreme Court has foreclosed that matter. The Senator from Oregon is simply pointing out to the Senate at this time that the people of the United States relied upon the decisions; the courts of the Nation relied upon them; the officers of State and Federal Governments alike relied upon them. If the decisions were in error, so far as we are concerned at this moment, as a cold legal proposition, we must concede that the Court has met the question in the California case, in the Texas case, and in the Louisiana case, and said that even though the Court previously expressed a different philosophy, this is now the law. So now we are faced with that condition, as well as the precedent condition, and it is upon the basis of the equities arising from that condition that we are before the Senate at this time with this joint resolution.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield so that I may ask a question on the matters of fact contained in the case to which the Senator from Louisiana [Mr. LONG] referred?

Mr. CORDON. I take it that the case to which the Senator from Louisiana referred is the Waddell case, decided in 1842.

Mr. LONG. That is correct.

Mr. DOUGLAS. Is it not a fact that this case referred to submerged lands in Raritan Bay, in New Jersey, a bay which always has been regarded as inland water, and that it in no sense referred to submerged lands seaward from the shoreline, or the coastline, or to the submerged lands in the open sea?

Mr. CORDON. The Senator from Louisiana, I assume, will discuss the matter in his own good time. The Senator from Oregon feels that so far as he and his presentation are concerned, those questions are beside the point, under the record as it exists today. The Senator from Illinois well knows, I am sure, as every student of the subject knows, that the courts of the States, the officials of the States, the executive officers of the United States, and the courts, time after time used language such as that which I have indicated; that actions by the States are predicated upon those statements, and that the millions of dollars which have been expended and the titles which have been approved are predicated on the doctrine which the Supreme Court, in 1947, said was incorrect.

Mr. DOUGLAS. I do not desire to interfere with the argument of the Senator from Oregon, but do I correctly understand that he is declaring that obiter dicta of the court, immaterial and irrelevant comments and facts which are not before the court in a particular case, are binding upon the Nation? I had always assumed that a court's opinions were controlling only insofar as they dealt with the specific facts and circumstances of the case before it.

Mr. CORDON. Mr. President, I am sorry I cannot yield further. I shall be more than happy to hear the Senator in his own right discuss the issues, but I do find it necessary to correct his assumption. The Senator from Oregon has not said, nor has he implied, that obiter dicta are binding upon anyone. The Senator from Oregon did specifically say that as a result of reliance upon Supreme Court decisions, reliance upon what the Court said, reliance upon the views of administrative officers in State and Federal governments alike, the States undertook to take the action they did; and the Senator from Oregon said that circumstance gives rise to equities. I think the Senator from Illinois understands equity. That is what the Senator from Oregon is talking about.

RELIANCE UPON STATE OWNERSHIP

Mr. President, the Senator from Oregon had intended to go very little further with respect to his statement of history in the field of submerged lands prior to the California decision. In view of the statements which have been made—and there is nothing in my statement critical of them; the Senator from Oregon is always happy to yield, and believes that colloquies sometimes produce greater enlightenment than do monologues—I feel that it should be pointed out at this time that, however wrong the duly elected or appointed officials of the States may have been, however wrong the Secretaries of Interior, the Attorneys

General, and the particular members of courts writing opinions in the past, with respect to the legal status of submerged lands, the fact remains, and is abundantly shown in the testimony in the hearings, that the people of the United States, supported, as they thought, by court decisions, supported, as they knew, by words from the highest officers up to the department level of the United States, relied upon the basic concept that the lands beneath navigable waters were lands owned by the States, and those lands were bought, sold, and improved throughout more than a century of our history. Able lawyers, perhaps some of the ablest lawyers this country has ever known, examined the records of title to these lands, and the titles were approved. Title insurance companies have guarantied the titles, and men have spent millions of dollars upon such lands in reliance upon those legal opinions, which in turn relied upon the type of decisions I have discussed, and upon interpretations made by responsible officers dealing administratively with those very lands.

Mr. President, as a result of that situation, I submit that there are compelling equities in favor of the States concerned, in favor of the public subdivisions of those States, and in favor of the thousands of people who have spent their money in improving the lands, the investments in which, as before stated, total untold hundreds of millions of dollars.

Much of this investment is wholly without inland waters, as that term is defined. For a hundred miles along the west coast of Florida there are evidences of that sort of improvement, including sanitation works running for miles out into the open sea. Testimony in the hearings indicates that the same situation exists with respect to the city of Boston, Mass., and the city of New York. Lands beneath navigable waters outside inland waters have been sold and reclaimed, and all sorts of installations have been erected thereon.

I submit that when it is understood that that sort of condition has existed for more than a century, we have a right to believe that there are equities in favor of those who, in good faith, have gone ahead with this vast development, this addition to the economic wealth of the country.

EQUITY A MATTER FOR THE CONGRESS

I desire to suggest that the proper approach to the proposed legislation is to have in mind that in our system of Government there are three coequal and wholly separate departments. One department deals wholly with the interpretation and determination of laws. Another department, of which the United States Senate is a part, deals with the making of laws. When equities arise as between the United States and its citizens or member States, the equities as such are not determinable by any court. When a court decides a question with respect to the United States Government, it can only enunciate what it conceives to be and declares to be the law. When our courts determine matters between citizens, they may then go into the field of equity. The courts then are clothed with the chancellor's conscience. But that is not an attribute of a court when one of the parties before it is the United States of America.

So, when the Supreme Court had before it a case involving rights to submerged lands, while it recognized the equities and recognized also the vast expenditures, it could do nothing about them but could only enunciate what it took to be the law, and then do as it did, namely, suggest that, so far as equities were concerned, they could be handled by the Congress of the United States. Congress now, in Senate Joint Resolution No. 13, has an opportunity to deal with the equities. That is the position which the senior Senator from Oregon takes on the basic proposition involved in the proposed legislation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CORDON. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator from Oregon. I particularly approve of and appreciate what he has just stated with reference to the highly important question of the equities which are here involved.

Would the Senator be willing to have me read into the RECORD at this time, to supplement his able presentation on this particular point, the words of the Supreme Court in the California case, almost at the end of the opinion, pointing out just what the Senator has indicated as to the belief of the Court that citizens, States, and other public units of government which might otherwise be prejudiced by the decision of the Supreme Court could look to the Congress of the United States to do equity as between them?

Mr. CORDON. I should be happy to have the Senator do so.

Mr. HOLLAND. I appreciate the courtesy of the Senator, and I shall read those words into the RECORD at this time:

> But beyond all this we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission.

I believe that is the portion of the decision referred to by the distinguished Senator from Oregon, in which the majority of the Supreme Court directly called to the attention of Congress, as well as of the public, the fact that Congress was clothed with authority to deal with the inequities which the Court had to disregard, and that the Court believed that Congress would deal justly with any such inequities.

Mr. CORDON. I thank the Senator from Florida. The excerpt which he has just read is one of the portions of the opinion to which I was referring. I am in agreement with the statement made by the Senator from Florida.

Mr. President, the first attempt of Congress to take affirmative action in the field of the status of submerged lands antedated by about a year the decision of the Supreme Court in the California case.

The general belief which the Senator from Oregon has indicated as prevailing, and the actions taken in accordance therewith, were not questioned by anyone until the late 1930's. At that time resolutions were offered in the Congress seeking to declare Federal ownership in the area of the submerged lands along the coast. However, the Congress never adopted any of those resolutions. So far as the Senator from Oregon is aware, no thorough consideration was ever given them.

The next time the matter reached the attention of the Congress in any serious way was in connection with the course taken by the Government in bringing the action which resulted in the California case.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. DOUGLAS. Is it not true that in 1937 the United States Senate, upon motion of former Senator Nye, of North Dakota, unanimously passed a resolution declaring that the submerged lands seaward from the low-water mark were the property of the Federal Government? While that resolution was not passed by the Congress, the records of the Senate indicate that it was unanimously passed by this body.

Mr. CORDON. The Senator's statement is correct. At that time the Senate unanimously passed such a resolution. The Senate passes most of its ill-advised legislation by unanimous consent, which is the most dangerous practice ever indulged in by any legislative body in this world. The Congress, however, has never passed any such resolution.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. LONG. With regard to the same resolution, is the Senator from Oregon familiar with the fact that that resolution was introduced in the closing days of that session of Congress, when Congress was anxious to adjourn? It slipped through on the call of the calendar, within 1 week of the time it was introduced. No hearings were conducted on it. I suggest to the Senator that those from the coastal States who would have opposed it probably were not aware of its import when the measure came from the Committee on Old Public Lands of the 75th Congress and slipped through without debate. The House did not pass it, and the next year the Senate refused to pass anything of the sort.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon further yield?

Mr. CORDON. I yield.

Mr. DOUGLAS. The fact that it was reported by the then Committee on Public Lands certainly indicated that those who were giving the subject the greatest amount of study approved it. I wonder if the Senator from Oregon wishes to take the position that every Member of the United State Senate is out of step except the advocates of the pending measure.

Mr. CORDON. The Senator from Oregon takes no such position. It is idle to continue debate along this line. Considering the fact that there were no hearings on a matter of such importance, considering the fact that the Senate Committee on Interior and Insular Affairs has just finished considering the

same matter, and that 1,282 pages of testimony were required at this hearing alone to obtain a general view of the subject, considering the fact that since the subject really has had consideration of Congress more than 8,000 pages of testimony have been taken in 16 open hearings, one may be forgiven for suggesting that no consideration was given by the committee or the Senate to the substance or the legal effect of the Nye resolution.

PREVIOUS APPROVAL OF SAME TYPE OF LEGISLATION

Beginning in 1945 the Senate had the first forerunner of the present joint resolution, Senate Joint Resolution 13. It was in the nature of a provision to quiet, or an attempt to quiet, title to the submerged lands within the boundaries of the several States. That joint resolution passed both Houses of the 79th Congress. It is interesting to note that in 1946 it passed the House by a vote of 188 to 67, and by a vote of 44 to 34 in the Senate.

Thereafter, following the same general thought as to the best method of relief, after the Supreme Court decision in the California case indicated that more specific and positive action was urgently necessary, a bill similar in purpose and intent was passed by a vote in the House of 259 to 29 in the 80th Congress. The companion bill in the Senate at that time was reported by the committee in the closing days of the session, but no further action could be taken.

In the 81st Congress two separate hearings were held by the Senate Interior Committee, and hearings were held by the House Judiciary Committee also.

In the 82d Congress there was reported by the Committee on Interior and Insular Affairs the Anderson-O'Mahoney bill, Senate Joint Resolution 20, which was in the nature of intermediate legislation. On the floor of the Senate, the Holland bill, for relinquishment to and establishment in the States of their historically held rights in the submerged lands, was substituted for the provisions as Senate Joint Resolution 20, as reported. In its quitclaim form the measure passed the Senate. The Walters bill, H. R. 4484, was passed in the House of Representatives. In conference the bill finally agreed upon and sent to the President was the Holland form of Senate Joint Resolution 20.

This year, because of the veto of the Holland bill in the 82d Congress, a bill, the same as that which passed last year was introduced in the Senate by the Senator from Florida [Mr. HOLLAND], and 39 other Members of the Senate, as Senate Joint Resolution 13. Other measures, approaching the subject from various viewpoints were also introduced.

RECOMMENDATIONS OF THE ADMINISTRATION

Hearings were held, and we have before us 1,282 pages of the hearings and exhibits. In the course of the hearings the administration was represented by the Attorney General, Mr. Brownell, who testified; the Secretary of the Interior, Mr. McKay, who testified; and by the Secretary of the Navy, Mr. Anderson, who testified.

After the hearings were concluded, the committee took up the subject in executive sessions. There was before it the recommendations of these Cabinet officers in the present administration. Their recommendations were in favor of a bill such as the Holland bill of last year, or Senate Joint Resolution 13 of this year, conveying to the States the lands beneath all their navigable waters. The recommendations also included a suggestion for additional legislation to confirm the jurisdiction of and control by the United States of the resources in the seabed and subsoil of the Continental Shelf outside State boundaries, and extending to the edge of the Continental Shelf.

The committee had heard testimony on that subject in the hearings. In the course of consideration of the problem which arose when it sought to frame language that would accomplish the desired result with respect to the outer Continental Shelf, the committee concluded that the problem was too complex to be solved by way of legislation within any reasonable time. Of course, such proposed legislation is expected in both Houses, and Congress has a right to have such legislation reported.

Another reason which moved the committee in reaching the decision to split the problem into two parts, the first part dealing with lands within the boundaries of the States, and the second part dealing with the sea bed and subsoil of the Continental Shelf outside the State boundaries, was that there was a sharp difference of opinion among Members of this body with respect to the two types of legislation.

OPINION IN SENATE DIVIDED

It was found that some Senators who would like to vote in favor of Senate Joint Resolution 13 were hesitant about voting on a measure with respect to the Continental Shelf while having before them only the evidence that was at hand. Other Senators who were prepared to vote immediately with respect to implementing the Continental Shelf proposition perhaps would feel adverse to Senate Joint Resolution 13. So it was in the interest of giving every Member of the Senate an opportunity to vote his views on the two problems that they were separated, as well as, of course, because of the necessity, which clearly developed, for further study of the subject with relation to the Continental Shelf.

Again I desire to state that the matter involving implementation of the Presidential proclamation assuming jurisdiction and control of the resources in the subsoil and seabed of the Continental Shelf will have the attention of the Senate Committee on Interior and Insular Affairs concurrently with the debate on the pending joint resolution. The staff of the committee is even now engaged in going into the legal aspects of that proposed legislation. The executive departments are engaged in the same kind of study. I have every hope that there will be prepared and ready for consideration by the Senate a recommended measure on the subject matter of the outer Continental Shelf by the time the vote on Senate Joint Resolution 13 is taken.

I simply desire to assure all Senators that no "hidden ball" trick is involved in the pending proposal, which is based on sound judgment. The committee reached the conclusion that the problem had to be divided, and that both segments of it must have early solution.

Mr. President, as heretofore stated, Senate Joint Resolution 13, as it was introduced, is in exactly the same form it was in when it was approved by the Congress last year but vetoed by President Truman. The committee received evidence with respect to Senate Joint Resolution 13, and also with respect to Senate bill 294, a bill to confirm and establish the titles of the States to lands beneath navigable waters within original State boundaries, and to the natural resources within such lands and waters; to provide for the use and control of said lands and resources; and to provide for jurisdiction, use, and control of the subsoil and seabed of the Continental Shelf lying outside of the original State boundaries. That bill was introduced by the Senator from Texas [Mr. DANIEL], and it included, in addition to the substance of the so-called Holland joint resolution, the third portion of the title, namely, that dealing with the Continental Shelf.

FEDERAL ADMINISTRATION BILL CONSIDERED

There was also considered, and testimony was heard on, Senate bill 107, a bill to provide for the development of the oil and gas reserves of the Continental Shelf adjacent to the shores of the United States, to protect certain equities therein, to confirm the titles of the several States to lands underlying inland navigable waters within State boundaries, and for other purposes. Senate bill 107 was introduced by the Senator from New Mexico [Mr. ANDERSON], and is substantially identical with Senate Joint Resolution 20 as reported and with the amendments adopted by the Senate prior to substitution of the Holland measure.

Evidence was also had with respect to an amendment to Senate bill 107—namely, the Hill amendment—which provides for the use of funds accruing from the development and use of the resources of the Continental Shelf, particularly specifying the use for educational purposes of certain of those funds.

There was also Senate Joint Resolution 18, to establish a commission to assist in making a proper and equitable settlement of the submerged lands problem. That joint resolution was introduced by the Senator from Tennessee [Mr. KEFAUVER].

The committee in executive session adopted Senate Joint Resolution 13 as the proposed legislation to be perfected and reported. The amendments which, in the opinion of the committee, were necessary to Senate Joint Resolution 13 numbered some 82. To a very great extent, those amendments are perfecting and clarifying, only; in nowise do they change the philosophy, the meaning, the purpose, or the mechanics of the so-called Holland joint resolution.

Mr. HILL. Mr. President, will it disturb the Senator from Oregon to have me ask him, at this time, about some language of the joint resolution?

Mr. CORDON. I shall be glad to reach that in a few minutes.

Mr. President, very few of the amendments go beyond phrases, words, or, occasionally, clauses. All the amendments are set forth in the report. Because of the fact that there were 82 amendments, it was deemed better to report a substitute for the joint resolution, rather than to report the joint resolution with all 82 of the minor and, to some extent, more or less major changes, indicated in the text.

AMENDMENTS SET FORTH AND EXPLAINED IN REPORT

When the report was prepared, the committee sought to give every possible assistance to the membership of the Senate in its study and ultimate understanding of just what the committee recommends in the report.

Therefore, in the report, as prepared, the joint resolution as reported is first set forth. It is also shown in the reported joint resolution itself, as a clean substitute for the joint resolution.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Oregon yield to me for a question?

Mr. CORDON. I am glad to yield.

Mr. JOHNSON of Colorado. I do not wish to interrupt the Senator's train of thought or the line of approach he is making to this matter, but I should like to ask whether Senate Joint Resolution 13, as amended, and as it appears now before the Senate, was approved by the Attorney General, Mr. Brownell; by the Secretary of the Interior, Mr. McKay; and by the Secretary of the Navy, Mr. Anderson. Did they approve Senate Joint Resolution 13 as it came from the committee?

Mr. CORDON. So far as I know, it has never been the practice of committees to request a second opinion after technical and other amendments are made to proposed legislation. So my answer to the Senator is "No"; the joint resolution has never been submitted to those gentlemen as a complete, clean bill for their opinion in its last form.

Mr. JOHNSON of Colorado. I am not referring to the technical changes; I am referring to the substance of the joint resolution.

Mr. CORDON. The substance was approved by each of the three in their testimony before the committee.

Mr. President, to continue my explanation of the report, let me say that, following the print of the joint resolution itself in its present, recommended form, there appears in the report, beginning on page 5, a statement of the purpose of the joint resolution. Following that general statement, and beginning on page 10, is a sectional analysis of the joint resolution as reported. This sectional analysis is a narrative explanation of the joint resolution, section by section and paragraph by paragraph.

EACH CHANGE SHOWN

Following that narrative general analysis, Mr. President, the committee has adopted a somewhat new approach for further purposes of explanation. Beginning on page 14 of the report and continuing to the bottom of page 17, there is set forth the language of the original Senate Joint Resolution 13, with the language recommended to be stricken, lined out, the language recommended to be inserted shown in italics, and with each amendment numbered and set in a black bracket, for easy reading and location in case anyone desires to pick out a single amendment or to identify the changes in language.

Following the amended joint resolution, as set forth, there is, seriatim, beginning on page 17, an explanation of each amendment. Each amendment keyed to the amendment number in the preceding amended joint resolution has its separate explanation. It was felt by the committee that such a procedure would be most helpful in the study of the joint resolution by any who have not heretofore been closely identified with its preparation or with its amendment.

Following the explanation, Mr. President, there is in the report a history of the proposed legislation, a statement with respect to support for the proposed legislation, and then voluminous appendices containing the opinions of the Court in the three cases of United States against California, United States against Texas, and United States against Louisiana, and other documentary information deemed to be of value to one studying the joint resolution and the problem presented by it.

Mr. President, that explains the report the committee has submitted to the Senate in order to aid it in understanding the problem which is under consideration. I may also say that, among the matters in the appendix of the report, is the text of the report of the Senate Judiciary Committee of the 80th Congress upon the then pending Senate bill 1988, known as the quitclaim bill, to which I referred a while ago in discussing the history of the proposed legislation.

That report, while it was prepared before the decisions in the Louisiana and Texas cases, is deemed by the committee to be of such pertinence to the present issues, because of its comprehensive presentation of the historical facts and judicial background of the submerged lands question, that it should be printed. Accordingly, it is printed in full. Those of my colleagues who are interested in a more comprehensive statement and a more comprehensive history of the problem and of the proposed legislation, are referred to that report, which, as I say, is set forth in the appendix to Report 133, to accompany Senate Joint Resolution 13.

Mr. President, the Senator from Oregan feels that it perhaps would be better to leave a further technical explanation of the bill and its various sections, subsections, paragraphs, and so on, to a later time, after the Members of the Senate shall have had opportunity to study the report which has been submitted. That being the case, the Senator from Oregon will now limit himself to a few observations only, with reference to philosophy of the bill.

Mr. HILL. Mr. President, will the Senator yield for one question?

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). Does the Senator from Oregon yield to the Senator from Alabama?

Mr. CORDON. Yes; I am glad to yield.

Mr. HILL. The Senator from Alabama notes this language on page 16, line 7, of the joint resolution:

(d) Nothing in this joint resolution shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

The Senator from Alabama also notes on page 18, line 20, section 6, subparagraph (a), some additional language on the same subject. The Senator from Alabama would like to ask whether there is any conflict at all between the language of page 16, subsection (d), and the language on page 18, section 6, subparagraph (a).

Mr. CORDON. So far as the Senator from Oregon can determine, there is no conflict whatever.

Mr. HILL. I take it that, so far as it concerns the right or power of the Federal Government to go into the State of the Senator from Oregon, to build a dam, let us say, on Snake River, the joint resolution would in no way interfere with that right, nor would it in any way delimit or curtail that right, so far as the Federal Government is concerned. Is that correct?

Mr. CORDON. The language on page 16 to which the Senator referred, being subparagraph (d), is inserted for the purpose of clearly exempting from the effect of the pending joint resolution the powers of the Federal Government under the commerce clause of the Constitution of the United States. Comprehended within those powers under the commerce clause is the power to regulate navigation, and, as an incident to the regulation of navigation, there arises the right to obstruct the waters in order to regulate them, and to use the electrical power incidentally produced thereby. All that is completely outside of the effect of the pending measure.

Mr. HILL. As I read that language, I had in mind the same construction as that which the Senator from Oregon has expressed. I wanted to make sure that there was nothing in the language on page 18 which in any way impaired or delimited or represented a deviation from what was contained in the language on page 16, in subsection (d).

Mr. CORDON. If the Senator will note, the language on page 16 is an express exception from all application of the bill.

Mr. HILL. That is true.

Mr. CORDON. The language, beginning on page 17, I believe it is——

Mr. HILL. Page 18, I think, line 20, subsection (a) of section 6, which begins on page 18.

Mr. CORDON. Oh, I beg the Senator's pardon. That refers to powers retained by the United States, and they have been spelled out more meticulously in order that there can be no question as to the effect of the joint resolution with respect to the paramount rights and powers of the Federal Government. The Senator

from Oregon asserts there is no conflict between the two provisions.

Mr. HILL. I thank the Senator.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. CORDON. I am glad to yield.

Mr. MURRAY. Referring to the language in section 6, at the bottom of page 18, I note that it reads:

SEC. 6. Powers retained by the United States: (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution.

It seems to me that, in this particular section, which is supposed to contain a reservation of rights to the United States, it excepts and excludes from that reservation the "proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution."

Mr. CORDON. The philosophy of the section, indeed the expressed purpose of the section, is to clearly indicate the paramount right that rests in the Government in the fields of navigation, national defense, and international affairs. But it expressly differentiates those paramount rights and their absolute exercise, from subordinate rights which are not connected with them, but which may coexist with them, and which are transferred to and established in the States. That is the purpose of the section, and it would appear to be perfectly clear that that purpose would be accomplished by it.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. CORDON. I am glad to yield.

Mr. HILL. Whenever the Federal Government builds a dam on a river, whether it be the Tennessee River in Alabama, or the Snake River in Oregon, it exercises its power in the field of navigation. Of course, in order to build the dam, it also must have the land on which the dam rests. It would, I take it, have a proprietary ownership of such land, and so it is the purpose and intent of this language that, whenever this paramount right is invoked, the other things that go with the land naturally go with the paramount right. Is that correct?

Mr. CORDON. They are incident to the necessities of the Government and its exercise of the power.

Mr. HILL. Naturally, the Government could not exercise its paramount right to build the dam without having the land upon which to build it, and without having a proprietary ownership, so to speak, of such land. Is that correct?

Mr. CORDON. The Senator from Oregon is not prepared to go into the question of proprietary ownership of the land upon which the dam is to be built, or of the adjacent land which might be flooded. It is a paramount servitude. It is overriding, and the right is in the United States by virtue of the commerce clause.

Mr. MURRAY. Mr. President, may I ask a further question?

Mr. CORDON. Surely.

Mr. MURRAY. This language, it seems to me, while it reserves all "rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce," does not give the Federal Government the right to enter upon the rivers or to take possession of any portions of the rivers necessary for the construction of the multiple-purpose dams which have been provided for by various of pieces of legislation Congress has enacted in the past. It seems to me that that language would make it necessary for the Federal Government, at any time that it proposed to build a dam, to go to the States to obtain the privilege of doing so.

Mr. CORDON. To which language does the Senator refer?

Mr. MURRAY. I am referring to the language at the bottom of page 18, beginning in the last line: "but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources."

It seems to me that language takes away from the Federal Government the right to enter upon rivers and undertake to construct dams and other necessary works.

Mr. CORDON. I suggest to the Senator from Montana that his interpretation of the language would necessarily lead to the conclusion that the whole section is meaningless, in that the first part of the first section would except the rights, and the last part would destroy them. Certainly there is no need to consider what, if the Senator will pardon the use of the language, would be a fantastic construction. It is clear that every situation created by this section is the same as that under which this country has been living and functioning for 150 years. There is nothing new created at all.

Mr. MURRAY. But what is the purpose?

Mr. CORDON. The purpose clearly is to enunciate as emphatically as can be done that the paramount rights of the Federal Government in its constitutional field of controlling and regulating rivers, in national defense, and in international affairs cannot be interfered with by any situation created under the resolution. The resolution seeks to transfer, establish, and vest in the States interests which in themselves are proprietary in character but in no sense governmental. These interests are made subordinate to the paramount rights of the United States.

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield in order that I may make an observation on this point?

Mr. CORDON. The Senator from Oregon will be happy to yield and will appreciate the observation.

Mr. HOLLAND. Mr. President, it seems to me that the Senator from Montana owes his confusion to the fact that he stopped reading from the resolution with the words "natural resources". If he had continued reading the remainder of section 6 (a) he would have seen that the provision which he had read, "but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources," is limited by the rest of the sentence, which reads as follows: "which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution."

If the Senator from Montana will look at section 3 and particularly at subsection (d), on page 16, he will see that the powers which give him particular concern are not included in the grants to the States by section 3, but are particularly excluded in subsection (d).

It is that point which the Senator from Florida wishes to invite to his attention and which he hopes will give him assurance.

Mr. CORDON. The Senator from Oregon is appreciative of the explanation of the Senator from Florida. It is exactly in accord with the whole philosophy of the resolution as it was determined upon and reported by the committee.

Mr. President, one other matter, and I intend to close this discussion so far as my remarks are concerned. I shall be happy, at a later point, after the other Members of the Senate have had an opportunity further to consider the report and recommendations of the committee with respect to amendments, to go further into the technical aspects of the amendment. I think, however, that most of the explanations are clear as they appear in the committee report.

To those who may have some question in their minds as to the right of the Congress constitutionally to legislate in this field, I desire to say that there appears to the committee majority and to the Senator from Oregon not the slightest doubt that the Supreme Court expected action from the Congress; indeed, the Court adverted to that subject, as was shown earlier this afternoon. There can be no question, because, clearly, action was essential if there was to be wholesale taking by the Federal Government of private property without compensation. Certainly the Supreme Court's own language indicated that it expected Congress to function in the field where it seeks now to act.

In short, Mr. President, the purpose of the joint resolution is to create by law a status and a condition which existed, in fact, up to the time of the California decision. What had been done was done under a belief that the law was as the law will be if Senate Joint Resolution 13 is adopted. In the view of the majority of the committee and in the view of the

Senator from Oregon, the joint resolution does simple justice.

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield for one question?

Mr. CORDON. I shall be happy to yield.

Mr. HOLLAND. I first wish to express my very deep appreciation to the Senator from Oregon, not only for his able handling of the joint resolution on the floor, but also for his exceedingly fair and thorough handling of it in the subcommittee and in the full committee, for which the Senator from Florida and many others are greatly beholden to the distinguished Senator from Oregon.

Mr. CORDON. I am deeply appreciative of the statement of the Senator from Florida.

Mr. HOLLAND. Mr. President, the subject which I shall raise by this question relates to a matter which the Senator from Oregon has discussed with me since the report on the resolution was submitted and which is the only matter contained in any amendment which has given to the Senator from Florida any cause for concern or inquiry. While the matter in question is well understood between the Senator from Oregon and the Senator from Florida, the Senator from Florida felt it would be well in this opening day of the debate to have it made clear in the RECORD so that all Senators may have the question brought to their attention and may give it such consideration as they deem to be appropriate.

My question is addressed to amendment No. 61, which is the amendment having to do with section 5 of the joint resolution, and dealing with exceptions from the operation of section 3. I am not disturbed by most of the provisions of that amendment, but there are two which have given me some concern, one of which I think is completely taken care of by the statement filed by the distinguished Senator as an explanation of this particular amendment, No. 61. However, the two matters which have caused me concern are, first, the words: "all lands expressly retained by or ceded to the United States when the State entered the Union."

Secondly, the last provision, which reads: "and any rights the United States has in lands presently and actually occupied by the United States under claim of right."

I may say to the Senator from Oregon that I think the explanation given for this amendment is completely adequate to take care of the latter of the two provisions mentioned by me, the explanation in the printed report being as follows, if I may read it:

[61] The language that is substituted for that stricken in the original bill is generally similar in purpose, but spells out in greater detail the classes of land exempted from the operation of section 3 of the joint resolution. It is believed that, with this explanation, the language is otherwise self-explanatory. However, the committee wishes to emphasize that the exceptions spelled out in this amendment do not in anywise include any claim resting solely upon the doctrine of "paramount rights" enunciated by the Supreme Court with respect to the Federal Government's status in the areas beyond inland waters and mean low tide.

I am completely satisfied with the explanation with reference to the provision: "and any rights the United States has in lands presently and actually occupied by the United States under claim of right."

Am I correct in understanding that under that particular provision the mere fact that the Supreme Court might have held that the United States has paramount rights in submerged lands beyond mean low water, and within State boundaries, would not in any way give the United States the right to claim exceptions of such lands from the joint resolution, in view of the fact that such lands would not be "presently and actually occupied by the United States"? Am I correct in that understanding?

Mr. CORDON. The Senator from Florida is correct in his understanding. I should like to add that the last language quoted, namely, "any rights the United States has in lands presently and actually occupied by the United States under claim of right," came into the bill at the request of the Department of Justice. It was presented to the committee and explained by the Department of Justice as being for the purpose of reserving to the Federal Government the area of any installation, or part of an installation—and I use the term "installation" to distinguish a specific area, used for a specific purpose, from any vast area that might be claimed under the paramount right doctrine—actually occupied by the Government under a claim of right. There must be a right in the Government to it. The Government will have an opportunity, a day in court, to determine the correctness of its claim. There was no other purpose in the language.

Mr. HOLLAND. I thank the distinguished Senator from Oregon. If he will permit me to ask another question, I should like to inquire if it was the purpose of this particular exception to leave the Federal Government exactly in the position it now occupies, with such rights as it may have, and with such obligations or responsibilities as it may have, with reference to any lands which it presently and actually occupies by reason of building and maintaining on such lands, installations and the like, under claim of right. There was no purpose to improve the rights of the United States, or to take from those rights in any particular, by this provision?

Mr. CORDON. The Senator is exactly correct.

Mr. HOLLAND. I thank the distinguished Senator.

I now wish to return to the earlier provision or exception, which relates to "All lands expressly retained by or ceded to the United States when the State entered the Union."

I am not disturbed by the phrase, "ceded to the United States," which I understand applies only in the case of Texas. I realize that the State of Texas is most ably represented here; and if there is any question about that provision, the two distinguished Senators from that State will know about it. However, I am concerned with the fact that there have been included in the enabling acts, by which some of the newer States have been created, general reservations of public lands. There are expressions which may go even further than that.

Therefore, I am exceedingly anxious that in the explanation of this amendment it may be made abundantly clear by the Senator from Oregon that mere paramount rights and the existence of such rights to offshore areas and to sea bottoms would not in anywise satisfy this condition of express retention by the United States when the State entered the Union, if that is the fact.

Mr. CORDON. The purpose of the language is to reserve to the United States those facilities and those areas which are used by the Government in its governmental capacity for one or more of its governmental purposes.

The provision specifically saves to the United States that type of facility concerning which there never has been, in the history of this country, a question as to the Federal Government's right of ownership.

The sole purpose of the legislation proposed is to recreate the situation in law as it existed in fact before the California, Louisiana, and Texas decisions and not to go beyond that point.

Mr. DANIEL and Mr. CASE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield; and, if so, to whom?

Mr. CORDON. I yield first to the Senator from Texas.

Mr. DANIEL. Will the Senator from Oregon state if what he has just read with reference to lands expressly retained by the United States when the State entered the Union also applies with respect to the phrase "or ceded to the United States when the State entered the Union"?

Mr. CORDON. That is the understanding of the Senator from Oregon as to both phrases.

Mr. DANIEL. This exception, therefore, applies only to lands expressly retained or expressly ceded to the United States?

Mr. CORDON. The Senator is correct.

Mr. DANIEL. And it is not intended to retain or except from this measure any lands which might have been interpreted, under the paramount rights theory, to have been retained or ceded as a matter of law?

Mr. CORDON. The Senator from Texas is correct, and expresses the view of the Senator from Oregon as he studied the joint resolution and presented it to the committee, and as the committee has reported it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. CORDON. I yield to the Senator from Alabama.

Mr. HILL. The Senator from Oregon, as the distinguished acting chairman of the committee, of course recalls the testimony of the Attorney General, Mr. Brownell. He no doubt recalls that the Attorney General made certain recommendations to the committee.

Mr. CORDON. Yes.

Mr. HILL. His second recommendation was that—

An actual line on a map dividing the two areas of submerged lands should be drawn by

Congress in the bill to eliminate much expensive and unnecessary litigation.

May I ask what the committee's reaction was to that recommendation of the Attorney General of the United States?

Mr. CORDON. The acting chairman of the committee for this legislation had a number of conferences with the Attorney General of the United States and other representatives of the Department of Justice. Careful study was made of the suggestion. It was the view of the Chairman of the committee, and the committee concurred, that it was impracticable to attempt to resolve this question by the use of any arbitrary line of delineation.

The philosophy of the joint resolution is limited to the areas of the States as they were when the States came into the Union, or as that area was thereafter approved by Congress, or to an area 3 miles from their coastline. If they desire now to extend it to that distance, or to the international boundary line if that line is within an inland-water area. Any arbitrary line clearly could not follow the sinuosities of such a line and become a legal determination of the boundary line of a State. The committee decided not to follow that suggestion.

Mr. HILL. Is it possible today to know what the historic boundaries of the various coastal States are?

Mr. CORDON. The Senator from Oregon cannot say whether it is or is not. The Senator from Oregon says only that the committee and the Congress found a situation existing which had existed for some 150 years or so as to the older States, and for half a century or more as to the other States. As to where the lines are, the Senator from Oregon will say that in his opinion, in many instances either there will have to be agreement between the United States and the States in question, delimiting or fixing the boundary, or the boundary will have to be determined by litigation.

MEASURE WILL NOT CAUSE LITIGATION

This joint resolution does not create any necessity for litigation. Neither does it attempt to offer a substitute for that type of decision.

Mr. HILL. Some time, no doubt, such boundaries will have to be established. Is it not true that not only does the joint resolution seek to confirm title, or right, title, and interest, in the particular State to oil and gas, but also to any other resource which might be within what the joint resolution describes as the historic boundary of the particular State?

Mr. CORDON. That is correct.

Mr. HILL. If there should be sulfur, copper, uranium, or other valuable minerals in such areas, by this measure the United States would confirm any title, right, or interest, or right of use or disposition, to the particular State. No one can know today where such boundaries may be, and no one can know today what minerals may be in the submerged lands. Is not that correct?

Mr. CORDON. I doubt if there is anyone with wisdom enough to make such a determination.

Mr. HILL. Furthermore, we do not know how much we might be disposing of by this measure, how much we might be giving away, how far out the boundaries might reach, or how much in the way of valuable minerals such lands might have within them. Perhaps they contain some precious mineral or metal that we do not even know about today.

Mr. CORDON. The Senator from Oregon has a different view as to what is being given or not given; but aside from that, the Senator from Oregon is in agreement that no one knows what is under the ground.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. DOUGLAS. I should like to ask the distinguished Senator from Oregon his understanding of section 2, subsection (a), paragraph 2, on pages 10 and 11, and of the latter part of section 4, on page 17 of the revised joint resolution. Let me state the question in this way:

If the Senator will look at the end of section 4, beginning in line 7, on page 17, he will note that the revised joint resolution reads:

> Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so as to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

I should like to ask specifically, what is the understanding of the distinguished Senator from Oregon as to what this provision does to the boundary of Texas? What does it mean in the case of Texas?

Mr. CORDON. The Senator from Oregon is not going to attempt to bound the State of Texas on the floor of the Senate. The boundary of the State of Texas is the boundary which was established for the State of Texas when she voluntarily pulled down her own flag and ran up the flag of the United States. That boundary has not changed.

Mr. DOUGLAS. What was that, may I ask?

Mr. CORDON. I cannot answer that question.

Mr. DOUGLAS. Are we being asked to buy a pig in a poke?

Mr. CORDON. The Senator is not being asked to buy a pig in a poke.

Mr. DOUGLAS. Are we being asked to accept boundaries of Texas which the sponsor of the joint resolution says he cannot define?

Mr. DANIEL. Mr. President——

Mr. CORDON. Just a moment. Mr. President, I am surprised at the statement of the Senator from Illinois. Does the Senator from Illinois suggest for a minute that there is not a boundary to the State of Texas? Is that a pig in a poke?

Mr. DOUGLAS. Is it 3 miles, or 3 leagues, or is it beyond 3 leagues?

Mr. CORDON. Let the Senator from Illinois, if he will, charge the Senator from Oregon with ignorance. But let him not say that the State of Texas does not have a boundary. Let us be reasonable.

Mr. DOUGLAS. The question is, What boundary is it?

Mr. CORDON. It is the boundary of Texas.

Mr. DOUGLAS. But what is that boundary? Is it 3 miles? Is it 10½ miles? Is it out to the edge of the Continental Shelf, as Texans, in an exuberant moment, decided for themselves some years ago? Where is it? There are tens of billions of dollars involved in this very question. Is it not crucially important?

Mr. DANIEL. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. The Senator from Oregon would like to discuss this point first; then he will be very glad to yield.

BOUNDARY QUESTION LEFT WHERE IT IS

The States of the United States have legal boundaries. It is not a part of the power or the duty of Congress to make determination with reference to those boundaries, or where those boundaries should lie. It is a matter for the courts to determine, or for the United States, through Congress and the legislative organizations of the several States, to reach an agreement upon. The pending bill does not seek to invade either province. It leaves both exactly where it finds them. Whenever a question arises as to a boundary, it will be determined exactly as any other question in law is determined, and the boundary will be established.

The pending measure does not seek to prejudge that issue, or to determine it. It is not within the province of Congress to change the present boundaries of Texas without the consent of the State of Texas.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I now yield to the Senator from Texas.

Mr. DANIEL. Mr. President, will the Senator from Oregon yield to me to answer the question of the Senator from Illinois?

Mr. CORDON. I yield.

Mr. DANIEL. It may be that the Senator from Illinois wishes to make certain that the State of Texas does not claim that its boundary at the time of its admission to the Union extended beyond 3 leagues. I may say that the boundary of the State of Texas at the time it entered the Union existed 3 leagues from shore, which is equal to 9 marine miles, or 10½ statute miles.

That boundary was fixed by the Republic of Texas in 1836. It was made known on the floor of the Senate before the United States recognized the independence of Texas, and was again explained to the Senate at the time Texas was admitted to the Union.

So 3 leagues from shore is the boundary Texas has always had since 1836. That was the boundary claimed by Texas at the time Texas entered the Union, and it is the boundary which Texas insists applies in the consideration of the question pending before the Senate today.

Mr. DOUGLAS. Mr. President, does the Senator from Oregon agree with the

interpretation of the Senator from Texas?

Mr. CORDON. The Senator from Oregon is not going either to agree or disagree. The Senator from Oregon gives his opinion that the argument seems to him to be sound, but he is not passing upon that question because he does not have the power to pass upon it.

Mr. DOUGLAS. Is the Senator from Oregon aware of the fact that Texas was admitted to the Union, not by treaty, but by joint resolution, which, like all joint resolutions of admission, declared that Texas was admitted on "an equal footing"—and I quote those words—with all the original States? Since the Supreme Court has ruled that the original States did not have title to the submerged lands out 3 miles beyond the low-water mark, then Texas is not entitled even to these lands out 3 miles from its shoreline, let alone the 10½-mile boundary claim just referred to. Is the Senator from Oregon aware of that fact?

Mr. CORDON. The Senator from Oregon is aware that the Senator from Illinois is as completely scrambled in his thinking this afternoon as ever a man can be.

The question of the ownership of land out to the boundary line is one thing. Where the boundary line is, is quite another thing. The Supreme Court in its decisions, did not determine the boundary line at all. It determined who had the paramount interest or title in the land out to the boundary line.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield further?

The PRESIDING OFFICER (Mr. BENNETT in the chair). Does the Senator from Oregon yield to the Senator from Illinois?

Mr. CORDON. I yield.

Mr. DOUGLAS. Does the Senator from Oregon believe that if the proposed language is adopted Texas will have paramount rights in the submerged lands seaward from the low-water mark 10½ miles out?

Mr. CORDON. Texas will have title out to its legal, existing boundary line.

Mr. DOUGLAS. What is its legal boundary line?

Mr. CORDON. If the Senator wants an answer to that question, he will have to get it from the Supreme Court.

Mr. DOUGLAS. What is the Senator's understanding about the paramount rights under this joint resolution of the State of Florida on the west coast of Florida, out into the Gulf of Mexico?

Mr. CORDON. The Senator from Oregon makes the same answer.

Mr. DOUGLAS. What is that answer?

Mr. CORDON. That question can be determined and should be determined in 1 of 2 ways, either by agreement through a resolution adopted by the Legislature of the State of Florida and by Congress, or by a decision of the Supreme Court of the United States.

Mr. DOUGLAS. I had understood that when the Senator from Florida introduced his original bill last year he stated that he recognized the claim of Texas to 3 leagues into the Gulf of Mexico, and the claim of Florida to 3 leagues or 10½ statute miles, into the Gulf of Mexico on the west coast of Florida. Has the meaning with respect to that point been changed?

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield so that I may make reply to the question of the Senator from Illinois?

Mr. CORDON. In one moment I shall be glad to yield. The Senator from Oregon will yield the floor in a few minutes. First, however, he wishes to say that he is being asked his opinion about a matter which is wholly extraneous and not involved in the proposed legislation.

The resolution before the Senate does not deal with a determination of the boundary lines of the States. Those boundary lines do exist, but the Senator from Oregon will not usurp the prerogative, either of the Supreme Court of the United States to make a judicial determination, or of the legislative bodies of the States in question to make a legislative determination. He is not going to project himself into either field. He can well understand that the Representatives of those States will present their case and their reasons.

I now yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from Oregon. I should like to have my remarks apply not only to the question just raised by the distinguished Senator from Illinois [Mr. DOUGLAS], but also to the question raised by the distinguished Senator from Alabam [Mr. HILL] with reference to a proposal at one time made by the Attorney General, but, as I understand, later withdrawn by him. That proposal of the Attorney General was to the effect that in the passage of legislation like that now pending the Congress should draw a little red line on the maps surrounding the various States, and indicate that the legislation applied up to that red line and not farther.

The committee decided, wisely, I believe—and as the Senator from Florida is not a member of the committee he may speak of wisdom existing within the committee, and the Senator from Florida also understands that the Attorney General joins in that opinion—that the drawing of a red line would not in any way avert trouble, but, to the contrary, probably would provoke more trouble, because no right existing in any State could possibly be diminished by the drawing of such a red line; that if there is a dispute as to where the boundary of a State runs, it will necessarily require legal determination and decision by the United States Supreme Court; and that the drawing of a line would just add an additional complicating factor.

With reference to the question raised by the distinguished Senator from Illinois [Mr. DOUGLAS] the answer is much the same. If it were proposed by the pending measure to extend the line beyond the 3 geographic miles, the Senator from Illinois [Mr. DOUGLAS] would be justified in having concern. The real fact is that the joint resolution does not make any such proposal. It merely provides with complete clarity that no State which claims to have had a constitutional boundary going beyond 3 geographic miles at the time it was admitted to the Union, or claims to have a boundary that goes beyond that distance, and has been approved by the Congress since the time of its admission to the Union, will have those claimed rights affected in any way by this joint resolution. That is all the provision would bring about.

In further answer to the distinguished Senator from Illinois, with reference to the State of Florida and its claims, I think it might be well, without trying to go in great detail into the claims of the State of Florida, to indicate substantially what the situation is.

Following the War Between the States, the State of Florida and other States which had been in the Confederacy were denied their right to occupy, through their Representatives or Senators, the seats which had belonged to them prior to that war in the House of Representatives and in the Senate. Congress very determinedly passed legislation to that effect. Incidentally, it had to be passed over the veto of the then President.

Mr. DOUGLAS. It was the so-called carpetbagger force bill.

Mr. HOLLAND. The Senator from Illinois may use whatever term he wishes to use. It was legislation passed over the veto of President Johnson, under which it was provided that the former Confederate States did not have legal governments at the time, but had only de facto governments under which a general officer was assigned to be the commanding genius in each of those States until certain things were done. The things to be done included, among others, the drafting of a new constitution, which had to be reported to the Congress and had to be examined and approved by the Congress—and I use both words which were in the statute—before the State could again assume its representation in either the Senate or the House of Representatives. There were further provisions—for instance, a provision that the State would have to elect a legislature under the new constitution, would have to approve the XIV amendment, under action of that legislature, and would have to take various other acts, which I do not pretend to state in full in this brief explanation, before the State of Florida or any of the other States of the South could resume full partnership in the United States by resuming their seats in the Senate and House of Representatives.

The State of Florida did draw up a new constitution, and it was examined and approved by the Congress.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. Let me complete my statement, and then I shall be glad to yield, if I have authority to do so.

Mr. CORDON. I shall be glad to yield the floor, and have the Senator from Florida proceed.

Mr. HOLLAND. I appreciate the courtesy of the Senator from Oregon, but there are other Senators who wish to address questions to the Senator from Oregon.

The State of Florida adopted a new constitution which contained so many provisions that the debate here on the floor of Congress raged long and in detail about some of the provisions. But after long and extensive debate and

after the hearing of proposed amendments to strike Florida out of the act which would restore quite a number of Southern States to representation in Congress, Congress finally voted that the Florida Constitution was all right, and it was approved and accepted. Later, action was taken by the State of Florida to approve the 14th amendment; and thereafter the Senators and Members of the House of Representatives from the State of Florida were seated.

One of the provisions of the new constitution placed the boundaries of the State of Florida on the Gulf of Mexico—that is, off the mainland of the State of Florida on its west coast—at the same distance as that which had prevailed since 1836, in the case of Texas, in the same shallow body of water, the Gulf of Mexico. It placed the limit at three leagues, or 9 sea miles or geographic miles or substantially 10½ English miles or land miles.

It is the contention of the State of Florida, and it will be our contention in any forum where the State of Florida has a right to be heard, that that action on the part of the Congress of the United States, and its approval of the Florida constitution with that provision included, effectually gave Florida her boundary out that far.

But in completing my answer to the distinguished Senator, let me say that nothing we could do here would, and nothing we shall attempt to do here will, under this measure, change those facts in the slightest degree, because all that is done under this measure, by means of the only provisions of it that apply to this question, is to preserve in status quo the exact rights, whatever they may be, of the State of Florida and, likewise, of the State of Texas or any other State to be heard upon this question.

The action taken by Congress in approving the so-called Holland joint resolution and this particular provision of it does not in itself operate to extend any boundaries for Florida, Texas, or any other State beyond the 3-geographic-mile limit. It simply preserves in status quo the rights of any States which may claim to bring themselves under this provision of the joint resolution. I know of none but two, including the State of Texas, as to its entire frontage on the Gulf of Mexico, and the State of Florida, as to more than one-third of its entire frontage, being all its mainland frontage on the Gulf of Mexico.

Mr. THYE. Mr. President, will the Senator from Oregon yield to me for a question?

Mr. CORDON. Mr. President, I wish to have an opportunity to yield to each of my colleagues in turn.

Mr. THYE. Mr. President, will the Senator from Oregon yield to me, to permit me to ask a question in regard to the joint resolution?

Mr. CORDON. I yield.

Mr. THYE. I should like to ask the following question: Does the joint resolution clearly define the status of navigable waters, such as lakes—and I have in mind the Great Lakes, including the Great Lakes which borders Minnesota—in relation to the oil and mineral rights under those bodies of water in the inland States, and in particular, in the State of Minnesota?

Mr. CORDON. It does.

Mr. THYE. The joint resolution does declare, does it, that oil and other minerals found under the lakes, whether they be inland lakes, or whether they be recognized as one of the Great Lakes, as well as any stream, are the property of the States?

Mr. CORDON. So long as it is a navigable body of water. The joint resolution specifically includes the Great Lakes. The joint resolution vests and establishes that right in the State of Minnesota and other States abutting the Great Lakes. There is a release by the United States of the lands and the resources therein, and the resources includes whatever of value that may be there.

Mr. THYE. I thank the Senator from Oregon for the opportunity to ask that question and to have it answered.

Mr. DOUGLAS. Mr. President, will the Senator from Orgeon permit me to ask a question of the Senator from Florida, in view of the explanatory statement the Senator from Florida has made?

Mr. CORDON. Mr. President, if the Senate will permit me to let my two colleagues join in mortal combat, I shall be glad to do so.

Mr. STENNIS. Mr. President, I wish to ask the Senator from Oregon to yield 20 minutes to me, so as to enable me to make a brief speeech while the Senator from Oregon gets some lunch, and then returns to the Chamber, to answer questions for the remainder of the session if need be.

Mr. CORDON. Mr. President, I ask unanimous consent that I may do both.

Mr. DOUGLAS. After the Senator from Oregon has had lunch and has refreshed himself, I hope he will return to the floor of the Senate, so as to permit some of us to ask him questions, because we have only begun to explore this subject.

Mr. CORDON. I shall be glad to do so.

The PRESIDING OFFICER. Does the Senator from Oregon yield the floor?

Mr. CORDON. At this time I yield the floor, Mr. President.

Mr. STENNIS obtained the floor.

Mr. DOUGLAS. Mr. President——

Mr. STENNIS. Mr. President, I understand that I have been recognized. I shall be glad to yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Mr. President, do I correctly understand that the Senator from Oregon has yielded the floor, and that now the Senator from Mississippi will proceed, and that thereafter the Senator from Oregon will return to the floor to participate in the debate?

The PRESIDING OFFICER. The Chair fails to understand how the Senator from Oregon can go to lunch without yielding the floor. [Laughter.]

Mr. DOUGLAS. Mr. President, the question is not whether the Senator can go to lunch, but whether the Senator from Oregon can return to the floor, after going to lunch, with the understanding that he has retained his right to the floor. Greatly as I always value remarks by the Senator from Mississippi, I wish to say that I shall be compelled to withhold my consent to the request that he be permitted to proceed for 20 minutes at this time, because we have only begun to explore the question of boundaries. Although I am not a great expert on such matters, I shall be compelled to ask questions about the Texas boundaries, the Florida boundaries, the Louisiana boundaries, and various other boundaries, including the status of islands and the difference between shorelines and coastlines.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. KNOWLAND. Do I correctly understand from the distinguished Senator from Illinois that he can cite some precedent whereby a distinguished Member of this body is not permitted to go to lunch? I do not know under what rule or precedent the Senator from Illinois is proceeding, but I assume that the Senator from Oregon can yield the floor. Certainly the debate will continue for several days, and I am sure the Senator from Illinois will have opportunity to raise questions with the Senator from Oregon. But it is a most unusual procedure, that the distinguished Senator from Oregon should not be permitted to go to lunch; and I do not know under what rule or precedent the Senator from Illinois is proceeding.

Mr. DOUGLAS and Mr. CORDON addressed the Chair.

Mr. STENNIS. Mr. President, does the Senator from Mississippi have the floor?

The PRESIDING OFFICER. It is the ruling of the Chair that the Senator from Mississippi has the floor. Does the Senator yield to the Senator from Illinois?

Mr. STENNIS. I am very glad to yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Mr. President, I may say I have no desire to be unkind to the Senator from Oregon. I would like to have him enjoy a lunch—and a good lunch. Sometime I hope to buy a lunch for him. But the request of the Senator from Mississippi was that the Senator from Oregon temporarily yield the floor for 20 minutes, to resume it later. Of course, that would have given the Senator from Oregon a chance to go to lunch and then later to return. But then the Senator from Oregon slipped in a new idea—he took a new step—by saying that he not only would go to lunch, but that he yielded the floor, which implied that no Senator could ask him any questions. The Senator from Oregon is a brave man and a candid man, and while I hope very much that he enjoys his lunch, I also hope that, when the Senator from Mississippi has finished, the Senator from Oregon will return to permit us to ask him what is the real status of the boundary of Florida, whether it is 3 miles or 10½ miles from the coast, whether the boundary of Texas is 3 miles or 10½ miles offshore, and whether the boundary of Louisiana is 3 miles or 27 miles—or perhaps 31½

miles—and also what is the meaning of the term "coastline," whether it refers to the shoreline, or whether it is taken from islands off the coast—in which event it could cover a great deal of territory.

Mr. STENNIS. Mr. President, I desire to extend every courtesy to the Senator from Illinois, of course, but I yielded to him only for the purpose of asking a question.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. DOUGLAS. Has the Senator from Oregon yielded for a 20-minute speech by the Senator from Mississippi, with the understanding that the Senator from Oregon would then resume the floor? Was that not the unanimous consent which was given?

The PRESIDING OFFICER. Unanimous consent was asked, and before the question could be put by the Chair, the Chair assumed that he heard the Senator from Oregon yield the floor unconditionally; and on that basis, the Chair recognized the Senator from Mississippi.

Mr. CORDON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I shall be glad to yield to the Senator from Oregon.

Mr. CORDON. I desire to make only a short statement. The Senator from Oregon has no thought of retiring from the field. The Senator from Mississippi has been waiting to make some remarks on a subject which he deems to be of great importance, and certainly he should have the right to do so. The Senator from Oregon assures the Senator from Illinois that, so long as the Senator from Illinois is on germane and relevant ground, the Senator from Oregon will be glad to discuss with him the pending joint resolution or any part of it. He would prefer that there be a relevant discussion of the bill.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. DOUGLAS. Do I correctly understand, then, that the Senator from Oregon is saying that he will return to the floor upon the termination of the speech of the Senator from Mississippi, and that he will then discuss the questions which are raised at that time?

The PRESIDING OFFICER. The Chair does not understand that to be a parliamentary inquiry. It is a question addressed to the Senator from Oregon.

Mr. CORDON. The Senator from Oregon will return to the floor—no one need worry about that—whether it be today or tomorrow.

RESEARCH AND EDUCATION—KEYS TO A PROSPEROUS AGRICULTURE

Mr. STENNIS. Mr. President, during the past few months we have had much Senate debate from members of both parties about the problems confronting American agriculture. However, little has been said about expanding our research and educational programs, which I firmly believe hold the key to the long-time solution to many of our agricultural problems.

EXPANSION AUTHORIZED

In 1946, the Research and Marketing Act was passed. Title I of that act provides:

> It is the policy of Congress to promote the efficient production and utilization of the soil as essential to the health and welfare of our people and to promote a sound and prosperous agriculture and rural life as indispensable to the maintenance of maximum employment and national prosperity.

The act further states that it is also the intent of the Congress to "assure agriculture a position in research equal to that of industry, which will aid in maintaining an equitable balance between agriculture and other sections of our economy." We have failed to put this expanded program into effect. This fact is forcefully pointed up in a recent statement by Mr. Byron T. Shaw, head of the Agricultural Research Administration. He said:

> Our current position in research is unfavorable. We have not been turning out new findings at a rate equal to the rate at which they are being used. We need to start the the research frontier moving upward at a more rapid rate, since the response of the average producer follows most research advances by a time delay of 10 to 15 years. The time to start moving the research frontier is now.

I think it is clear that the Federal Government has a vital function to perform in agricultural research and education. That function was placed clearly upon it before the days of the so-called Fair Deal or New Deal, before the days of Hoover or Wilson or McKinley. It is above party controversy. It springs from the old American emphasis upon higher efficiency and greater production. It belongs to the American tradition of producing a better article and many of them. Money spent for research is an investment that has shown its worth. Among today's far-flung activities of our Government we can find plenty of room for disagreement, but here, surely, is the one activity that we cannot afford to dispute about or neglect. Despite this knowledge we have been neglecting agricultural research and education. We must cut the expenses of the Federal Government, but it will be unwise economy for the Government to single out and neglect those activities that do not represent expenses at all, but investments in progress toward greater production and income in the future.

Mr. President, I desire to cite one specific illustration.

Considering the cotton crop of the United States as a whole, the tensile strength of cotton fiber has increased approximately 18 percent within the last 10 years. This is entirely as a result of a program of breeding and production research which has gone forward both in private and governmental laboratories and experiment stations within this 10-year period. This has resulted, of course, in an increased value of the cotton fiber to the grower. But far more important is the fact that there has been a distinct gain to all users of cotton fabrics throughout the Nation and really throughout the world on account of the greatly increased strength and durability and wearing life of the fabric.

Mr. President, I think that is an outstanding illustration. Cotton fiber has been used by civilized man since before the time of the Egyptian civilization. Under the impetus of research within the past 10 years the tensile strength of cotton fiber has been increased more than 18 percent, thus creating a benefit not only to the grower but to millions of American people and peoples throughout the world who use cotton goods in wearing apparel as a daily necessity.

Mr. HILL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. HILL. The Senator has cited most interesting and challenging evidence. Does it not, in a most emphatic way, point up the tremendous possibilities in further research?

Mr. STENNIS. The Senator from Alabama is entirely correct. It proves that we are just beginning to make a start.

Mr. President, in the 12 years since 1940 our Nation's economy has been through the greatest period of growth in all its history. Our total production, everything combined, has increased more than 50 percent. Our population has increased by 23 million people. Six million people have been drained off the farms, so that the number of nonfarm people to be fed and clothed has increased by 29 million, or well over one-fourth. The 23 million people left on the farms have had to increase the total farm production by one-third in order to meet our military and civilian needs. Over this period of universal expansion in our Nation's economy, with all of the strain that it put upon our agriculture, how much do you suppose our Federal Government expanded its investment in agricultural research? It has increased from about $29 million to $57 million. When we allow for the reduced purchasing power of the dollars invested, the real answer is that there was not any net expansion at all.

Over the decades preceding 1940 our agricultural research investment moved forward with the growth of the whole economy, until it reached the level of about $30 million in 1940. Since that time, we have had a tremendous expansion in just about everything else, but our Federal Government's investment in agricultural research has increased just enough to keep up with the increased cost of salaries and equipment, and no more. We have a 1953 population, a 1953 income, a 1953 tax load, a 1953 challenge to our productive resources, but a 1940 budget for agricultural research. This is not sound planning. No one pretends that it would be sound in any other field of research. We have had dynamic growth in other research. While the Federal dollars appropriated for agricultural research have increased only about 94 percent, or just enough to offset rising research costs, the total expenditures of all agencies, public and private, for all research work increased 300 percent. The total research program of the Nation, in industry, in government, and in universities and colleges,

port of Members of Congress who, just a few weeks ago, failed to realize the importance of the Council of Economic Advisers.

Just in the last 2 days the newspapers of the country have been carrying disturbing reports concerning the economic reverberations of the new Communist proposals in Korea.

Mr. HUMPHREY. Mr. President, will the Senator from Montana yield at this point?

Mr. MURRAY. I yield.

Mr. HUMPHREY. I wonder whether the Senator from Montana is familiar with the fact that in 2 days' sales on the stock market, the investors in stocks and bonds suffered a loss in excess of $3 billion.

Mr. MURRAY. I intend to refer to that fact in my remarks. I appreciate the Senator's inquiry.

Mr. HUMPHREY. If the Senator from Montana will permit me to do so, let me say that this morning in the Committee on Foreign Relations we were discussing some of these very matters, when General Gruenther appeared before us. We were discussing the great economic problems which now are coming to the fore, not only in the United States, but also in other parts of the free world.

I ask the Senator from Montana whether I am correct in understanding that the Council of Economic Advisers as an institution of Government is now dead.

Mr. MURRAY. It has ceased to exist, because it has no funds with which to carry on its functions.

Mr. HUMPHREY. In other words, the supplemental appropriation bill did not provide funds for it; is that correct?

Mr. MURRAY. That is correct; the bill did not provide funds for the Council.

Mr. HUMPHREY. As I understand, the Senate voted to provide for the Council.

Mr. MURRAY. Yes.

Mr. HUMPHREY. And I understand that some provision for the Council was made in the House of Representatives. Were those provisions canceled in the conference?

Mr. MURRAY. They failed in the conference, as I understand.

A headline story in the Washington Post of March 31, for example, started as follows:

A new Communist offer to exchange Korean war prisoners started a selling drive in the stock market today and forced prices back for the heaviest losses in more than 2 years.

On the same day the New York Times printed a report from Chicago that "the revival of peace rumors sent grain futures into a tailspin today."

The New York Times also carried this report:

Foreign news affected the New York commodity exchanges yesterday as the reports of the peace moves in Korea led to lower prices when the markets closed.

Finally, the Wall Street Journal on March 30 carried a headline story indicating that President Eisenhower's staff is "beginning to brood a bit about the business outlook for the rest of 1953."

At a time like this I believe that all Members of Congress can agree with the splendid analysis of the problem that was presented on the floor of the Senate on March 18 by the distinguished Senator from Vermont [Mr. FLANDERS].

Let me quote the Senator's statement:

In the months and years ahead, if we are able to reduce our military expenditures, we shall be facing a difficult situation in maintaining our economic prosperity. I think we may be certain that our new and our old friends in Russia confidently expect us to go into a tailspin if we stop our high expenditures for war.

The [Employment] act * * * was directed toward an emergency which is now at the peak of its importance.

Mr. President, it is my profound hope, therefore, that President Eisenhower will take immediate steps to impress upon the Republican leadership in both Houses of the Congress the necessity of a supplemental appropriation to bring the Council of Economic Advisers back to life so that it can assist our country in the perilous days that lie ahead.

Mr. HUMPHREY. Mr. President, will the Senator from Montana yield again?

Mr. MURRAY. I yield.

Mr. HUMPHREY. I should like to say to the Senator from Montana that I think his remarks are extremely timely. It is simply incredible to me that the Council of Economic Advisers, which in a sense is a part of the chain of what might be called "observation posts upon our economy," should be permitted to lapse, particularly at a time when serious problems confront us, including trade problems of great consequence.

No doubt the Senate is fully aware that the strategy of the Soviet Union today is to divide us from our allies, and primarily to do so through economic tension, through trade wars, through all sorts of propaganda in the field of economic activity. Surely we need this general staff, so to speak, of economists to advise the President and the Congress and American private economic life as to some of the facts of today and some of the business of tomorrow. I know many persons in the business world who look to reports of the Council of Economic Advisers as being very fundamental to their business planning. That was one of the purposes of the Full Employment Act and the establishment of the Council of Economic Advisers.

Mr. MURRAY. That is correct.

Mr. HUMPHREY. We ought to let the President know, as the Senator has done, that we want this Council to continue, that we will support every effort he makes to continue the Council of Economic Advisers. Rather than to cut down on the Council of Economic Advisers, we ought to improve the general staff work at the economic level.

This is no time to be closing down institutions of such vital importance as this, particularly when there is plenty of evidence that we have ever-increasing economic problems in the American economy and throughout the world. There are all sorts of evidence leading to that conclusion. So I repeat that I, for one, wish through the means of debate on the Senate floor to let the President know that we would welcome any effort on his part to again remind the Congress of its responsibilities and of his responsibility to keep this important Council alive and active.

Mr. MURRAY. Mr. President, the Senator from Minnesota is exactly correct. At the time the Economic Council was originally established, it was hailed by businessmen and economists all over the country as a vitally important move. Walter Lippmann, the distinguished commentator on economic matters in his column, said it was the most important piece of legislation enacted by Congress in the past 50 years. I think it is recognized by businessmen in every section of the country, who are familiar with the work of the Economic Council, that it has been of great help in determining the economic trends; and it seems to me it would be a very serious mistake to allow it to lapse at this time, when we are facing such uncertainties in the world.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. CORDON. Mr. President, I ask unanimous consent that I may be permitted to resume my earlier remarks on the pending measure.

The PRESIDING OFFICER. Without objection, the Senator from Oregon may proceed.

Mr. CORDON. The previous discussion concerned the boundary lines of the several States, insofar as those boundary lines are seaward of the shorelines of those States. I shall now discuss the joint resolution with reference to those seaward boundaries.

Title I contains definitions of terms used in the joint resolution, the definitions being limited to the use of the terms in the joint resolution, because the terms may be used differently from the way in which they are ordinarily employed. The definitions have been written into the proposed legislation, and the application of the terms to the provisions of the joint resolution is limited by the special definitions in it.

LANDS BENEATH NAVIGABLE WATERS DEFINED

The first definition is with respect to the term "lands beneath navigable waters."

The area of land and resources which is vested, confirmed, and assigned to the several States comprises lands beneath navigable waters, so the pertinency of the term and the necessity for a definition are apparent. The joint resolution defines the term as follows:

(1) All lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high-water mark as heretofore or hereafter modified by accretion, erosion, and reliction.

Mr. DOUGLAS. Mr. President, would the Senator from Oregon be willing to have an interruption?

Mr. CORDON. When I have finished my explanation, I shall be glad to yield.

The waters involved in the joint resolution, beneath which are lands affected by the joint resolution, are the waters of the seas from low-water mark to the boundaries of the several States.

Second, inland waters of the several States, which again are divided into inland waters which adjoin the waters of the open sea, and inland waters which are in navigable lakes or flowing navigable streams.

INLAND WATERS AND TIDAL AREAS SEPARATED

So the first definition has to do with lands covered by nontidal waters; that is, lakes and flowing streams, and such areas of inland waters as might be substantially in the dividing line between a flowing stream and waters that would be affected by the tides.

It will be noticed that that definition applies to lands "which are covered by nontidal waters." That is in the present tense. It then applies to nontidal waters of a State that were navigable at the time the State became a member of the United States, or when the State thereafter acquired sovereignty over such land and waters.

The two tenses are necessary because there is a vesting of title in lands that are now covered by nontidal waters, but which were navigable waters at the time the State became a member of the Union. The difference is set forth in order to take care of a movement from one side of a channel to another, or erosion on one side and build-up or reliction on the other side. That is the reason for the two tenses in the definition.

The provision as to application within a State which had acquired sovereignty over the lands after admission to the Union is to take care of instances such as those referred to, for instance, in the testimony, in connection with the State of Texas, where an area was, with the consent of Texas, added to the State of Texas, which became located on the United States side of the Rio Grande as a result of a change of course in that river. That is the type of change referred to in that particular portion of the definition.

I yield to the Senator from Illinois for a question on that subject.

Mr. DOUGLAS. First, I wish to thank the Senator from Oregon for his courtesy in returnnig to the floor, and I express the hope that he has had a very comfortable lunch and is now in good health.

Mr. CORDON. I am most appreciative of the concern of the Senator from Illinois.

Mr. DOUGLAS. Is the Senator from Oregon aware of the fact that the decisions of the Supreme Court, in an unbroken chain, have held that title to submerged lands under navigable inland waters rests in the States?

Mr. CORDON. I have a general knowledge of those decisions.

Mr. DOUGLAS. Is the understanding of the Senator from Oregon the same as my understanding that title rests in the States?

Mr. CORDON. I am fully in agreement with that position, but I call attention to the fact that the Supreme Court of the United States, in discussing the California case and the two succeeding cases, raised a very deep concern in my mind, and in the minds of eminent lawyers, as well, and of other persons throughout the United States, as to whether the Supreme Court would go along with the precedents established as to inland water areas if the issue were to be presented again.

Mr. DOUGLAS. Is the Senator from Oregon aware of the fact that in the brief submitted by the Government in the California case, the Government expressly disavowed any claim on the part of the Federal Government to title or paramount rights in submerged lands under any form of navigable inland waters, namely, lakes, rivers, bays, and harbors? There is an express disavowal to that effect in the brief and in the argument. Is the Senator from Oregon aware of that?

Mr. CORDON. I am aware of the fact that what is or is not in the brief of the United States Government has nothing to do with what the law is. There were also some decisions by courts of the United States on the major question, and there were determinations to the same effect by administrative officers, including the Cabinet officer in charge of public lands. Those decisions and determinations were wiped out.

Mr. DOUGLAS. Is the Senator from Oregon aware of the fact that the decisions of the Supreme Court in those three cases expressly point out that the Court was not going into the question of paramount rights in submerged lands under inland waters, but only into the question of paramount rights in submerged lands seaward from the low-water mark?

Mr. CORDON. I have read all three cases, and I now am uncertain in my own mind as to what the court would now hold. Many eminent lawyers—and I separate myself from that group—likewise are greatly concerned with reference to the philosophy upon which the decisions themselves turn. I am entirely satisfied that the action which is proposed by the joint resolution is essential if the cloud is to be removed.

The Senator from Illinois may not agree with my view, in which case he may vote against the joint resolution. But I am satisfied the committee has taken that position, so that ends the matter, so far as I am concerned.

Mr. DOUGLAS. Of course, the Senator from Oregon has studied the Anderson bills, Senate bill 107 and Senate bill 1252——

Mr. CORDON. Is this a question?

Mr. DOUGLAS. Yes; this is a question. Is the Senator aware of the fact that those two bills would confirm by statute the right of the States to ownership of and paramount rights in the submerged lands underneath lakes, rivers, bays, and harbors, and in the actual tidelands? Is the Senator from Oregon aware of that fact?

Mr. CORDON. The Senator from Oregon is aware of that fact.

Mr. DOUGLAS. Therefore——

Mr. CORDON. Just a minute. Does the Senator have another question?

Mr. DOUGLAS. Yes, indeed.

Mr. CORDON. The Senator from Oregon will yield for a question. I ask the Senator from Illinois to make his questions to the point, and not indulge in argument.

Mr. DOUGLAS. Therefore is it necessary that we pass Senate Joint Resolution 13 in order to confirm title in the States to the submerged lands of the inland waterways when this is done——

Mr. CORDON. Mr. President——

Mr. DOUGLAS. Mr. President, this is still a question.

Mr. CORDON. Let us put the question mark there.

Mr. DOUGLAS. Very well.

Mr. CORDON. The Senator from Oregon answers the question in this manner: Is it not necessary that Senate Joint Resolution 13 be passed to do that, or that the Anderson bills be passed to do that, or that any bill which is now pending or under consideration be passed to do that? However, it is necessary that some legislation be passed to do it; and the legislation before us, Senate Joint Resolution 13, will accomplish that purpose and the additional purposes which it is intended to accomplish, in one package. It will undo in one package what the Supreme Court did in one package.

Mr. DOUGLAS. Is not the Senator from Oregon aware of the fact that the same confirmation would be given by the two Anderson bills, Senate bill 107 and Senate bill 1252?

Mr. CORDON. That question has been answered.

Mr. DOUGLAS. I do not see how it was answered.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. CORDON. Certainly.

Mr. HOLLAND. Mr. President, on the very point with which the Senator from Illinois has just dealt, will the Senator from Oregon yield to me, so that there may be continuity in the discussion?

Mr. CORDON. I am very happy to yield to the Senator from Florida for that purpose, and then I will yield to the Senator from California.

Mr. HOLLAND. On the very point so ably referred to by the Senator from Oregon, to the effect that the Supreme Court's decision and opinion in the California case in particular was like a red flag to attorneys general and other attorneys all over the United States, with reference to the jeopardy indicated to titles under inland waters, I should like to ask the distinguished Senator if it is not true that certain quotations from the able brief filed by the Federal attorneys in that case specifically bear out the fact, and give warning of the fact, that they are entirely out of sympathy with the rulings of the Federal courts referring to inland waters. I ask the Senator if it is not a fact that those quotations show clearly that the Federal attorneys are out of sympathy with the rulings of the courts, and that it is the belief of those attorneys that the inland waters and the lands under them do not belong to the States.

Mr. CORDON. The Senator is correct.

Mr. HOLLAND. Will the Senator yield while I read into the RECORD at this point a quotation from page 11 of the brief

of the Federal attorneys in the California case on this specific point?

Mr. CORDON. I am happy to yield.

Mr. HOLLAND. The quotation is as follows:

> We submit that ownership of submerged lands is not related to sovereignty at all, but that the decisions of this court dealing with the tidelands and lands under inland waters have proceeded upon a false premise.

The Senator is, of course, familiar with that question, is he not?

Mr. CORDON. That is correct.

Mr. HOLLAND. Does that language indicate to the Senator that the Federal attorneys were recognizing that the rule relating to inland waters and their ownership by the States was sound, and that they approved such a rule?

Mr. CORDON. It indicates clearly to the contrary.

Mr. HOLLAND. I thank the Senator.

I should like also to read into the RECORD at this time various adjectives used at other points in the brief by the Federal attorneys in the California case, by which they referred to the rule of inland waters. Those adjectives are as follows:

At one place "erroneous"; at another place "unsound"; at another place again "unsound"; at still another place "erroneous"; at another place "wrong"; at another place "patently unsound"; at another place "fallacy"; at another place "a legal fiction."

I ask the distinguished Senator if those references to the inland-waters rule by the Federal attorneys indicate any respect by those attorneys for the existing rule, or any desire to uphold it.

Mr. CORDON. To the very contrary; that is a portion of the case for the cloud which now rests over title to the lands under inland waters.

Mr. DOUGLAS. In order to clarify this point, will the Senator yield for a question?

Mr. CORDON. I yield.

Mr. DOUGLAS. Is it not also true that on page 11 of the Government's brief, immediately succeeding the first reference made by the Senator from Florida, the language continues as follows:

> The Government does not ask that these cases be overruled—

Namely, the cases on inland waters—

> Indeed, it suggests that in the interest of clarity and certainty they be reaffirmed herein.

The Government was asking that those rules be reaffirmed, not clouded, or set aside. The brief continued——

Mr. CORDON. Mr. President——

Mr. DOUGLAS. Let me finish.

Mr. CORDON. Mr. President, I ask for the regular order. I still have the floor, and I intend to yield every courtesy to the Senator from Illinois——

Mr. DOUGLAS. I appreciate that.

Mr. CORDON. But I will control the debate while I hold the floor.

Mr. DOUGLAS. Certainly. I should like to hand this book to the Senator from Oregon and ask him if I have not read a portion of the sentence following the quotation read by the Senator from Florida.

Mr. CORDON. The Senator from Oregon does not question whether it is correct or not. The Senator from Oregon takes the position that it is immaterial whether it is correct or not.

The Senator from Oregon will continue his discussion.

Mr. KUCHEL. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield to the Senator from California.

Mr. KUCHEL. If I may be permitted to make a very brief comment, I should like to allude to the questions which were asked earlier today by the Senator from Florida [Mr. HOLLAND], particularly with respect to section 5 subsection (a) of the joint resolution, the last clause of which appears on page 18, lines 10, 11, and 12. The language is: "and any rights the United States has in lands presently and actually occupied by the United States under claim of right."

The intent of section 5 is to spell out various exceptions from the assigning provisions of the joint resolution. The wording of the last phrase as presented to us by the chairman of the subcommittee reads, generally speaking, as follows: "lands presently occupied by the United States under claim of right."

This phrase is included in the exceptions which are made by the conveyance provisions of the bill.

A peculiar situation exists in the State which I have the honor in part to represent. One of the municipalities of California, namely, Long Beach, contends that a part of the area which in its judgment is clearly within the confines of the city is occupied without right by the Federal Government, through the Navy Department. If the language which was first suggested by the chairman of the subcommittee had been adopted possibly it would have given the United States more rights than it should have. For that reason the junior Senator from California suggested that the rights which the United States has in lands presently occupied under claim of right be maintained and accepted. Then, whether the city has a right in a given instance or the Federal Government has a right, is a matter for a court of law to determine.

I wished to make that comment because, as the language appears in the pending measure, it seems to be an indication on the part of the author of the bill and the committee which approved it of a desire to retain any rights which the Federal Government claims, but not an attempt to breathe into a claim of right any actual and perfected or vested right.

Mr. CORDON. I covered the point somewhat in answer to a question by the Senator from Florida [Mr. HOLLAND]. The purpose of the language is to retain in the Government such rights as the Government, under its claim of right in the lands, is actually occupying, thus putting the Government, after the enactment of the pending measure, in the position it would have occupied had none of these matters ever arisen, and if it had to stand on whatever law supported its claim.

In other words, if there is a claim of right, then to the extent that that claim of right might be substantiated, the Government retains it. If the claim of right could not stand, the question would be beside the point anyway.

Mr. HILL. Mr. President, will the Senator yield for the sake of clarifying the record?

Mr. CORDON. Mr. President, I will yield for the purpose of answering a question. Does the Senator wish me to yield for the purpose of asking a question?

Mr. HILL. Yes.

Mr. CORDON. What is the question?

Mr. HILL. The question is whether or not the Government brief filed in the case of the United States against California contained this statement——

Mr. CORDON. Mr. President, the Senator from Oregon will answer by saying that he is not familiar with the brief. That saves the rest of the discussion.

Mr. HILL. May I read the language?

Mr. CORDON. The Senator from Oregon is not familiar with the brief.

Mr. President, the next point the Senator from Oregon desires to discuss is the remainder of the definition of the term "lands beneath navigable waters." The Senator called attention to the first paragraph of the definition, "all lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable," and so forth.

The second paragraph provides:

> (2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastline of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles, and——

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a brief question on that point?

Mr. CORDON. I shall be glad to yield presently. First, I should like to finish my statement.

Mr. President, attention is called to the fact that the term "coastline," as used in this paragraph, is defined further along in the section. Because the term is used for the first time in this subsection, I shall read the definition at this point:

> (c) The term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters;

So we have in mind the definition of the term "coastline" when we consider paragraph 2 of section 2 (a), which I have just read. In other words, with respect to areas not in the nontidal class, we have "all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line 3 geographical miles distant from the coastline of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into

the Gulf of Mexico) beyond 3 geographical miles."

LANDS WITHIN SEA BOUNDARIES INCLUDED

Mr. President, I think it is perfectly clear what is meant by that language. I call attention to the fact that an analysis of it appears on page 10 of the report, and an explanation of the change between the language of the pending joint resolution, as the committee has reported it, and the original Holland bill, appears at page 18 of the joint resolution in section 6. Section 6 takes care of the only change that was made in the measure.

Mr. President, referring to paragraph (2) on page 10 of the joint resolution as reported, it is perfectly clear that that paragraph includes in the definition of lands beneath navigable waters, those lands beneath the open sea from the tidewater out to a seaward line 3 geographical miles distant from the coastline of each State; and also, in cases where the boundary line of the State was different at the time when it entered the Union or was thereafter changed or may hereafter be changed and approved by Congress, and extends seaward into the Gulf of Mexico more than 3 geographical miles, it is perfectly clear that the land under that area comes within the land that is affected by, and the disposition of which is provided for in, Senate Joint Resolution 13.

That definition has no other purpose than to identify the lands in question as being under nontidal waters in the upper areas or being in tidal waters and—and I want this emphasized—outside inland waters.

Earlier this afternoon question was raised as to where the boundaries of these States may be in the sea. My answer then, which I reiterate now, is that the pending measure does not identify the location of those boundaries. It is not within the philosophy of the joint resolution that they be so identified. If they were so identified, that identification would have no legal effect. The joint resolution leaves that question where it found it.

QUESTION OF BOUNDARY LOCATION LEFT OPEN

It is the same question, left open here, that must be left open under any situation which can arise or which could have arisen after the pronouncement of the decision in the California case. When the Court in that case set the boundary of the area of paramount interest of the United States as adjoining inland waters, that question was raised. It will remain to be adjudicated if we pass no proposed legislation and if we simply stand on the legal effect of the three decisions in the California case, the Texas case, and the Louisiana case. That question will remain for determination if we pass the so-called Anderson bill. It will remain for determination under any conceivable arrangement by which the State retains its sole ownership and rights under inland waters.

The committee felt that this was a problem which it found unsettled, and a problem which it could not legally settle. Therefore, the committee treated it as it would have to be treated in any event, and left it there. That is my complete answer regarding all seaward boundaries of all States.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a question?

The PRESIDING OFFICER (Mr. THYE in the chair). Does the Senator from Oregon yield to the Senator from Illinois?

Mr. CORDON. I am glad to yield for a question.

Mr. DOUGLAS. Has not the Senator from Oregon heard the statements of the very able senior Senator from Florida [Mr. HOLLAND] and the junior Senator from Texas [Mr. DANIEL], who stated the claims of their respective States for boundaries, not 3 miles, but 10½ miles from their shorelines or coastlines out into the Gulf of Mexico?

Mr. CORDON. Mr. President, I shall answer the question, but it is wholly beside the point whether my hearing was good enough to enable me to grasp that or not. It is beside the point, so far as I am concerned, for I am discussing the joint resolution. I suspect that if I listen carefully I shall hear every point of view under the shining sun expressed about this measure or about some feature of it or what it is or what it should be or what it should not be. What someone has said or has not said about the joint resolution, what someone has written or has not written about the joint resolution, what someone has proposed or has not proposed about it—every bit of that—is entirely beside the point.

The question is, What does the joint resolution provide, and what will be done under the joint resolution? I shall answer questions in that field, if I can; but I shall not answer other questions.

Mr. DOUGLAS. Then what is the meaning, so far as the States of Texas and Florida are concerned, of the following phrase, which begins in line 21 on page 10 of the resolution: "and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Gulf of Mexico) beyond 3 geographical miles."

Mr. CORDON. The language——

Mr. DOUGLAS. Just a minute, please.

Mr. CORDON. Mr. President, I have the floor.

Mr. DOUGLAS. I beg the Senator's pardon. I wished to complete my question.

Mr. CORDON. I thought the Senator from Illinois had asked three questions, but without using a question mark, and then had begun another question.

Mr. DOUGLAS. No; I was going to complete the question.

Mr. CORDON. With respect to the several questions asked by the Senator from Illinois, or the questions involved in the words he used before the question mark appeared, let me say that the language of the joint resolution means just what it says. If the situation in Texas or if the situation in any other State falls within the provisions of that language, then the language applies to it.

Mr. DOUGLAS. Is it not a historical fact that the State of Texas consistently and under the very able generalship of the then attorney general of Texas, the present junior Senator from Texas [Mr. DANIEL]——

Mr. CORDON. Has the Senator from Illinois asked permission to ask a question?

Mr. DOUGLAS. I beg pardon; I have not done so. Will the Senator from Oregon yield, to permit me to ask a question?

Mr. CORDON. I yield. I merely wish to have proper order preserved.

Mr. DOUGLAS. As I seek to learn the meaning of the language in the resolution, I want to ask the Senator from Oregon: Is it not an established fact that the State of Texas has claimed that its constitution historically gave it ownership of lands 3 leagues, or 10½ land miles, from the shoreline of Texas out into the Gulf of Mexico? Is not that a historical fact?

Mr. CORDON. Mr. President, again it seems that I cannot get across my original statement which is that I am discussing Senate Joint Resolution 13. As to whether what the Senator from Illinois has said is or is not a fact has nothing whatever to do with the joint resolution and its application. The State of Texas probably made the claim—I have heard it said that it did—but it is beside the point so far as this proposed legislation goes, in its legal effect or its application. I will answer questions on the subject matter of the joint resolution that are relevant to it and its meaning, and only such questions.

Mr. DOUGLAS. Does this joint resolution affirm, reject, or dodge the issue?

Mr. CORDON. Does the Senator from Illinois desire me to yield?

Mr. DOUGLAS. Would the Senator from Oregon yield for a question?

Mr. CORDON. I yield.

Mr. DOUGLAS. Does the pending measure affirm, reject, or dodge the question as to whether the boundaries of Texas, at the time it entered the Union, extended 10½ miles from the shoreline or coastline?

Mr. CORDON. The resolution does just what the Senator from Oregon said it did; and it is idle to reiterate the statement.

Mr. DOUGLAS. Well, it must do one of these things. Would the Senator yield for a question?

Mr. CORDON. I yield for a question.

Mr. DOUGLAS. Is it not true that this resolution must either affirm, reject, or evade the issue? And I am now, in the form of a question, asking the Senator from Oregon, which one of these three possible things does this bill do?

Mr. CORDON. In other words, when has the Senator from Oregon quit beating his wife—or has he?

Mr. DOUGLAS. No.

Mr. CORDON. Mr. President, the resolution speaks for itself. It need not affirm where the line is, deny where the line is, affirm that claims have been made, or deny that they have been made. It applies to the boundaries, not to the claims.

Mr. DOUGLAS. Mr. President, would the Senator yield for a question?

Mr. CORDON. I am happy to yield for a pertinent and relevant question, of course.

Mr. DOUGLAS. What does this language of the resolution mean as applied to the claim historically advanced by the State of Florida, that at the time of its constitution, in 1868, it claimed title to the waters three leagues, or 10½ miles, from the west coast of Florida, and as applied to the further claim of the State of Florida that the terms of its constitution and the boundaries of the State of Florida were affirmed by the Congress, when Florida was either (a) readmitted to the Union or (b) when its Senators and Representatives were again allowed to take their seats in Congress? What does this resolution do——

Mr. CORDON. Has the Senator stated his question?

Mr. DOUGLAS. I thought there was a question mark there.

Mr. CORDON. There was a second question mark being threatened. The Senator from Oregon would like to take the questions one at a time, if he could. The resolution does nothing to the claim. It neither validates it nor denies it. The resolution deals with the boundaries of the State of Florida as is perfectly apparent from reading it.

Now, Mr. President, if I may continue, subparagraph (a) on page 10 defines what the term "lands beneath navigable waters" means, and among other definitions is that found on page 11, subsection (3), which reads: "all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined."

That would appear to be perfectly clear. It provides that the joint resolution shall apply to areas that are now above water, but which were under navigable waters at some time in the past.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. DANIEL in the chair). Does the Senator from Oregon yield to the Senator from Florida?

Mr. CORDON. The Senator will yield for a question.

Mr. HOLLAND. Is it the understanding of the Senator from Oregon that the particular provision which he has just read applies to filled-in, made, or reclaimed lands in navigable waters, whether such navigable waters be inland waters, Great Lakes waters, or off-shore waters within the boundaries of the States? Does it apply equally to all such lands in navigable waters within State boundaries?

Mr. CORDON. That is the view of the Senator from Oregon, and certainly it is the only view that can properly be entertained, if the language of the section be read in the order set forth and the section taken within its four corners. The paragraph itself provides for the applicability of the definition to "all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined." The definition of navigable waters is on the preceding page.

Mr. DOUGLAS. Mr. President, would the Senator from Oregon be gracious enough to yield for a question on this point?

Mr. CORDON. The Senator from Oregon would be happy to yield for a question.

Mr. DOUGLAS. Is it not true that the Pollard case, which was quoted earlier in the discussion today, referred to the very issue of filled in lands in the city of Mobile, on Mobile Bay, and that the ruling of the court was that those filled in lands, formerly tidelands, belonged to the State?

Mr. CORDON. That is an irrelevant question, Mr. President, so far as this matter is concerned, and so far as this explanation is concerned. However, the answer is "Yes."

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. CORDON. Mr. President, the Senator from Oregon suggests to the Senator from Illinois that the Senator from Oregon is most happy to engage in a discussion of matters which are relevant to the explanation the Senator from Oregon is making; but the Senator from Oregon must say that if the Senator from Illinois is going as far afield again as he has just gone, bringing in a matter that is wholly irrelevant to the subject that was under discussion, then the Senator from Oregon, much as he regrets it, will have to refuse to yield at all. I regret to say so, but I am not going to stand here and let the Senator from Illinois make his case by hiding it under his questions. He understands that.

It is a marvelous piece of work he is doing, but the Senator from Oregon simply does not have time for it now.

Mr. President, we are now on page 11, subparagraph (b). I read:

> (b) The term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 4 hereof.

Mr. President, I regret that we do not have a larger attendance on the floor. Perhaps Senators are lucky not to be here; I do not know; but I would have liked going over this matter with those who earnestly desire to know at least what was in the thinking of the committee when it considered the bill and reported it favorably.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CORDON. In one moment, please. In respect to subparagraph (b), which I have just read, we are here defining a term, "boundaries," which has been used earlier in the section; and when we give this definition, it must be understood that it is limited to the use of that word or term in this resolution.

I now yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I regret that I was not present at the time the Senator from Oregon touched upon the definition of the term "coastline." I should like to call his attention to page 18 of the committee report, which refers to the fact that certain words were stricken in connection with the term "inland waters." The words "which include all estuaries, ports, harbors, bays, channels, straits, historic bays, and sounds, and all other bodies of water which join the open sea" were stricken at the request, I believe, of the Department of Justice, and also on objection by the State Department.

In striking those words the committee attempted to make clear in its explanation that it is not committed to any particular formula for the determination of inland waters, and it made clear that it does not believe that either the United States Government or a State government is bound by the so-called Boggs formula, which would provide, in effect, that if there can be drawn across a bay a line of exactly 10 miles, the waters would be regarded as inland waters, but in the case of a bay of the same relative shape if a line drawn across its mouth would be 10½ or 11 miles, it would not be regarded as inland waters. Such a formula was rejected by the committee, and the committee made it clear that it did not intend to accept a rule of 3 miles or 10 miles across a bay to determine whether it was a bay.

Mr. CORDON. The committee, as I recall, and I think I am correct, neither accepted nor rejected the Boggs formula or any other formula. It specifically pointed out in its explanation as follows:

> The committee states categorically that the deletion of the quoted language in no way constitutes an indication that the so-called Boggs formula, the rule limiting bays to areas whose headlands are not more than 10 miles apart, or the artificial arcs-of-circles method is or should be the policy of the United States in delimiting inland waters or defining coastlines.

Then the explanation goes on to say:

> The elimination of the language, in the committee's opinion, is consistent with the philosophy of the Holland bill to place the States in the position in which both they and the Federal Government thought they were for more than a century and a half, and not to create any situations with respect thereto.

That is a clear statement of the views of the committee, and I say to the Senate that as those views were expressed in committee, they are expressed in the report.

I have read the definition of "coastline" and have indicated its application in section 2 of title I.

Mr. DOUGLAS. Mr. President, would the Senator from Oregon be gracious enough to yield for a question at this point?

Mr. CORDON. I am happy to yield.

Mr. DOUGLAS. May I address a question to the eminent Senator from Oregon on the meaning of "coastline," insofar as it refers to islands offshore? Would the Senator permit me to give an illustration that will clarify my precise question?

Mr. CORDON. Certainly.

Mr. DOUGLAS. Suppose we are considering a State which has a number of islands 10 or 15 miles off shore: Are we to measure the coastline from a line drawn from the outer point of the islands, or from the shore of the continent itself?

Mr. CORDON. The Senator from Oregon is not prepared to discuss the application of any rule defining shorelines in a situation where islands exist off the main mass of land. There could

be, conceivably, many situations, each needing an answer depending upon the depth and nature of the waters, the distance of the islands, and many other factors.

Mr. DOUGLAS. Would the Senator from Oregon agree with the Senator from Illinois that this is a most important question?

Mr. CORDON. Mr. President, there is no question about the general importance of the Senator's question, but it is not an important question to this resolution or to any other resolution or bill pending on this subject. It is an important question which exists irrespective of the resolution and would have existed irrespective of the California, Texas, and Louisiana decisions.

Mr. DOUGLAS. Would it not be better for the bill to define coast lines more carefully and then to treat the question of islands quite specifically as a special case?

Mr. CORDON. In the view of the Senator from Oregon, it would not.

Mr. KUCHEL. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I am happy to yield.

Mr. KUCHEL. Mr. President, I should like to point out, with respect to the question of the Senator from Illinois, that the United States Supreme Court, in the past 6 years, has had before it unanswered the question of what constitutes the coast line of the State of California. I think the basic philosophy of this resolution, as was so admirably suggested by the Senator from Oregon earlier, will establish as a fact that which the States of the Union thought was the fact from the beginning of this country until 1947, leaving unsolved, as it was unsolved in the past, what actually constitutes the boundary lines of the several States.

Mr. CORDON. Mr. President, I should like, before the recess, to finish my discussion of the next page, if I may.

Mr. LONG. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield.

Mr. LONG. In regard to the language used in the resolution, however, it is clear to the Senator from Louisiana as it was clear to the committee that although there are questions which the resolution does not attempt to answer—and there are a considerable number of them—the proposed legislation does settle the fundamental question that the States have title to the lands they always thought they owned prior to the decisions.

Mr. CORDON. Of course, that is its major purpose. It has a second purpose, and that, of course, has to do with the outer Continental Shelf.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield further?

Mr. CORDON. I yield.

Mr. DOUGLAS. Is it not probable that Hawaii will be admitted as the 49th State, and is it not a fact that in some instances the islands of Hawaii are approximately 1,000 miles separated from each other? What is the understanding of the Senator from Oregon with reference to the meaning of this joint resolution as applied to the boundaries and coast line of Hawaii as they will be drawn from island to island?

Mr. CORDON. That matter, Mr. President, does not appear to be of moment in this resolution, so far as I can now see. I recognize that when we reach the subject of statehood for Hawaii we may have some difficult problems in that field. However, those problems are not made by this bill, and they will not exist until such time as Hawaii becomes a State. Then what is done here now may be of assistance in determining what shall be done in connection with the act of admission.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. CORDON. Will the Senator from Illinois please ask questions which are relevant to the matter under discussion? I should like to proceed uninterruptedly.

Mr. DOUGLAS. What the Senator from Illinois thinks is relevant, apparently is not so regarded by the Senator from Oregon. I assure the Senator that I am not asking these questions with any intention of being discourteous.

Mr. CORDON. I am sure of that. The Senator from Illinois is interested in an opposing view, and I am sure he would like to make his case on the time of the Senator from Oregon. Sometimes that makes a better case, but the Senator from Oregon does not want to help the Senator from Illinois to do it.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon further yield?

Mr. CORDON. Yes. But let us get back to the resolution.

Mr. DOUGLAS. Is it not true that for some years the question of the boundaries of California has been before a master of the United States Supreme Court?

Mr. CORDON. There is no question about that.

Mr. DOUGLAS. Is it not true that the master has made a report, finding that the boundary should be measured from the continent of America, not from the islands off the California coast?

Mr. CORDON. Mr. President, I have not studied the master's report. I have looked into the record sufficiently to understand that almost everyone concerned with the matter has entered objections and taken exceptions to the report. At least, the special master's findings and recommendations are still subject to determination by the Supreme Court.

Mr. President, again we are off the subject.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a further question?

Mr. CORDON. Just a moment, please. I am being fairly generous to the Senator from Illinois.

Mr. DOUGLAS. The Senator is, indeed.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CORDON. I yield to the Senator from Florida.

Mr. HOLLAND. If the Senator from Oregon will permit one observation, the case which has been pending 6 years, and which after much labor has brought forth a master's report, applies to only 15½ miles of the nearly 1,000 miles of the coast of California. That indicates something of the difficulty in connection with the fixing of a boundary delimiting inland waters, because the question in that case was only as to 15½ miles, and not as to the entire California coast.

Mr. CORDON. Mr. President, I submit that whether it be difficult or simple to delimit inland waters, or difficult or simple to determine State boundaries, the fact is that the problems are with us. They are with us without regard to the proposed legislation, and they will be with us in any other legislation which may be suggested in the field. These problems are not created by the pending joint resolution; the joint resolution does not solve them and cannot solve them.

The boundaries of the States cannot be changed by Congress without the consent of the States. We cannot do anything legislatively in that field, and we have not sought to do so in this measure.

I think that answers all and every one of the discussions with reference to boundary lines of the States, including whether they are measured from low water, high water, inland water, or some island.

Mr. DOUGLAS. Mr. President, will the Senator yield for another question?

The PRESIDING OFFICER. Does the Senator from Oregon yield further to the Senator from Illinois?

Mr. CORDON. Mr. President, I should like to proceed a little further, but I will see how much stamina I have. I yield to the Senator from Illinois.

Mr. DOUGLAS. Am I to understand, then, that the Senator from Oregon is saying that paragraph (c) on page 11 does not make any determination whatsoever as to whether the coastline shall be measured from the continental land mass or from outlying islands?

Mr. CORDON. I believe that paragraph (c) is perfectly clear. It does not take into consideration the question of outside islands as islands. To the extent that they may affect the measuring of inland waters, they are comprehended.

Mr. TAFT. Mr. President, does the Senator from Oregon desire to suspend until tomorrow?

Mr. CORDON. I should be very willing to suspend.

Mr. TAFT. I had not intended to propose that the Senate remain in session this week later than the usual 5 o'clock adjournment time.

Mr. CORDON. I would appreciate a little breathing spell.

Mr. TAFT. Mr. President, I ask unanimous consent that when the Senate reconvenes tomorrow, the Senator from Oregon [Mr. CORDON] shall have the floor in order to continue his discussion of the joint resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TAFT. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMISSION TO STUDY FEDERAL-STATE RELATIONS

Mr. HENDRICKSON. Mr. President, the Eisenhower administration, in office a scant 3 months, has followed through

By Mr. CASE, from the Committee on the District of Columbia:

Samuel Spencer, of the District of Columbia, to be a Commissioner of the District of Columbia.

By Mr. TOBEY, from the Committee on Interstate and Foreign Commerce:

Chan Gurney, of South Dakota, to be a member of the Civil Aeronautics Board (reappointment);

Harmar D. Denny, Jr., of Pennsylvania, to be a member of the Civil Aeronautics Board, vice Donald W. Nyrop, resigned; and

John C. Doerfer, of Wisconsin, to be a member of the Federal Communications Commission.

ADJOURNMENT

Mr. HENDRICKSON. Mr. President, under the order previously entered, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.), in accordance with the order previously entered, the Senate adjourned until tomorrow, Thursday, April 2, 1953, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received April 1, 1953:

CIVIL SERVICE COMMISSION

George M. Moore, of Kentucky, to be a Civil Service Commissioner.

DEPARTMENT OF JUSTICE

Stanley N. Barnes, of California, to be Assistant Attorney General to fill an existing vacancy.

UNITED STATES DISTRICT JUDGE

Lester L. Cecil, of Ohio, to be United States district judge for the southern district of Ohio, vice Robert R. Nevin, deceased.

IN THE ARMY

Gen. James Alward Van Fleet, O3847, Army of the United States (major general, U. S. Army), to be placed on the retired list in the grade of general under the provisions of subsection 504 (d) of the Officer Personnel Act of 1947.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 1, 1953

The House met at 11 o'clock a. m.

Rev. Idris W. Jones, associate minister, Calvary Baptist Church, Washington, D. C., offered the following prayer:

Almighty and most merciful Father, we would begin the discussions and decisions of this day in the spirit of worship and thanksgiving.

We thank Thee for the Members of the House of Representatives. Their decisions affect the destiny of so many human lives. Keep them true, therefore, to the noblest insights Thou hast taught them through the many experiences of life.

Truly do we need Thy guidance and Thy help, our Father. May no unworthy motives move us this day. May we so plan, speak, and act that when we come to the close of the day, in the quiet of our rooms, each one of us may sense the word of the Lord: "Well done, good and faithful servant."

This is our prayer for today, in the spirit of Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUBMERGED LANDS BILL

The SPEAKER. The unfinished business is the vote on the motion offered by the gentleman from New York [Mr. CELLER] to recommit the bill H. R. 4198, the so-called tidelands bill.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CELLER moves to recommit H. R. 4198 to the Judiciary Committee of the House.

The SPEAKER. The question is on the motion to recommit.

The question was taken.

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 106, nays 283, not voting 42, as follows:

[Roll No. 21]

YEAS—106

Addonizio	George	Moulder
Albert	Gordon	Multer
Andersen, H. Carl	Granahan	O'Brien, Ill.
Aspinall	Green	O'Brien, Mich.
Bailey	Gregory	O'Brien, N. Y.
Barrett	Gross	O'Hara, Ill.
Blatnik	Hart	O'Konski
Boland	Hays, Ohio	O'Neill
Bolling	Heselton	Perkins
Buchanan	Holtzman	Pfost
Buckley	Howell	Polk
Burdick	Hull	Powell
Canfield	Javits	Price
Case	Jones, Ala.	Priest
Celler	Jones, Mo.	Prouty
Chatham	Karsten, Mo.	Radwan
Chelf	Keating	Reams
Chudoff	Kee	Rhodes, Pa.
Crosser	Kelley, Pa.	Roberts
Dawson, Ill.	Kelly, N. Y.	Robsion, Ky.
Delaney	Keogh	Rodino
Dodd	Kirwan	Rogers, Colo.
Dollinger	Klein	Rooney
Donohue	Kluczynski	Roosevelt
Eberharter	Lane	Secrest
Edmondson	Lanham	Sieminski
Elliott	Lesinski	Spence
Feighan	McCarthy	Staggers
Fernandez	McCormack	Sullivan
Fine	Machrowicz	Sutton
Fogarty	Madden	Trimble
Forand	Marshall	Watts
Frazier	Metcalf	Wier
Friedel	Miller, Kans.	Withrow
Garmatz	Mills	Yates
	Moss	

NAYS—283

Abbitt	Bolton, Oliver P.	Cooley
Abernethy	Bonin	Coon
Adair	Bonner	Cooper
Alexander	Bosch	Cotton
Allen, Calif.	Bow	Cretella
Allen, Ill.	Bramblett	Crumpacker
Andresen, August H.	Bray	Cunningham
Andrews	Brooks, La.	Curtis, Mass.
Angell	Brooks, Tex.	Curtis, Mo.
Arends	Brown, Ga.	Curtis, Nebr.
Auchincloss	Brownson	Dague
Ayres	Broyhill	Davis, Ga.
Baker	Budge	Davis, Wis.
Barden	Burleson	Deane
Bates	Busbey	Derounian
Battle	Bush	Devereux
Beamer	Byrnes, Wis.	D'Ewart
Becker	Camp	Dies
Belcher	Campbell	Dolliver
Bender	Carlyle	Dondero
Bennett, Fla.	Carrigg	Donovan
Bennett, Mich.	Cederberg	Dorn, N. Y.
Bentley	Chenoweth	Dowdy
Bentsen	Chiperfield	Doyle
Berry	Church	Durham
Betts	Clardy	Ellsworth
Bishop	Clevenger	Engle
Boggs	Cole, Mo.	Fallon
Bolton, Frances P.	Cole, N. Y.	Fenton
	Colmer	Fino
		Fisher
Ford	Krueger	St. George
Forrester	Laird	Saylor
Fountain	Landrum	Schenck
Frelinghuysen	Lantaff	Scherer
Gamble	Latham	Scott
Gary	LeCompte	Scrivner
Gathings	Long	Scudder
Gavin	Lovre	Seely-Brown
Gentry	Lucas	Selden
Golden	Lyle	Shafer
Goodwin	McConnell	Sheehan
Graham	McDonough	Short
Grant	McGregor	Shuford
Gubser	McMillan	Sikes
Gwinn	McVey	Simpson, Ill.
Hagen, Calif.	Mack, Wash.	Simpson, Pa.
Hagen, Minn.	Mahon	Small
Hale	Mailliard	Smith, Kans.
Halleck	Martin, Iowa	Smith, Miss.
Hand	Mason	Smith, Va.
Harden	Matthews	Smith, Wis.
Hardy	Merrill	Springer
Harris	Miller, Md.	Stauffer
Harrison, Nebr.	Miller, Nebr.	Steed
Harrison, Va.	Miller, N. Y.	Stringfellow
Harrison, Wyo.	Morano	Taber
Harvey	Morrison	Talle
Hays, Ark.	Mumma	Teague
Hébert	Murray	Thomas
Herlong	Neal	Thompson, La.
Hess	Nelson	Thompson, Mich.
Hiestand	Nicholson	Thompson, Tex.
Hill	Norrell	Thornberry
Hillelson	Oakman	Tollefson
Hillings	O'Hara, Minn.	Utt
Hinshaw	Osmers	Van Pelt
Hoeven	Ostertag	Van Zandt
Hoffman, Ill.	Passman	Velde
Hoffman, Mich.	Patman	Vorys
Holmes	Patterson	Vursell
Holt	Pelly	Wainwright
Hope	Philbin	Walter
Horan	Phillips	Wampler
Hosmer	Pilcher	Warburton
Hruska	Pillion	Weichel
Hunter	Poage	Westland
Hyde	Poff	Wharton
Ikard	Poulson	Wheeler
Jackson	Preston	Whitten
James	Rains	Wickersham
Jarman	Ray	Widnall
Jenkins	Rayburn	Wigglesworth
Jensen	Reed, Ill.	Williams, Miss.
Johnson	Reed, N. Y.	Williams, N. Y.
Jonas, Ill.	Rees, Kans.	Willis
Jonas, N. C.	Regan	Wilson, Calif.
Jones, N. C.	Rhodes, Ariz.	Wilson, Ind.
Kean	Riehlman	Wilson, Tex.
Kearns	Riley	Wolcott
Kersten, Wis.	Rivers	Wolverton
Kilburn	Robeson, Va.	Yorty
Kilday	Rogers, Fla.	Young
King, Calif.	Rogers, Mass.	Younger
King, Pa.	Rogers, Tex.	
Knox	Sadlak	

NOT VOTING—42

Boykin	Evins	Mollohan
Brown, Ohio	Fulton	Morgan
Byrd	Haley	Norblad
Byrne, Pa.	Heller	Patten
Cannon	Holifield	Rabaut
Carnahan	Judd	Reece, Tenn.
Condon	Kearney	Richards
Corbett	McCulloch	Shelley
Coudert	McIntire	Sheppard
Davis, Tenn.	Mack, Ill.	Taylor
Dawson, Utah	Magnuson	Vinson
Dempsey	Meader	Winstead
Dingell	Merrow	Withers
Dorn, S. C.	Miller, Calif.	Zablocki

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Withers for, with Mr. Sheppard against.

Mr. Mack of Illinois for, with Mr. Vinson against.

Mr. Condon for, with Mr. Richards against.

Mr. Zablocki for, with Mr. Judd against.

Mr. Cannon for, with Mr. Reece of Tennessee against.

Mr. Byrd for, with Mr. Taylor against.

Mr. Dawson of Utah for, with Mr. Kearney against.

Mr. Rabaut for, with Mr. Coudert against.

Mr. Patten for, with Mr. Haley against.

Mr. Magnuson for, with Mr. McIntire against.

Mr. Carnahan for, with Mr. Merrow against.

Mr. Dingell for, with Mr. Holifield against.

Mr. Byrne of Pennsylvania for, with Mr. Shelley against.

Mr. Heller for, with Mr. Brown of Ohio against.

Mr. Morgan for, with Mr. McCulloch against.

Until further notice:

Mr. Fulton with Mr. Miller of California.
Mr. Corbett with Mr. Evins.
Mr. Meader with Mr. Dempsey
Mr. Norblad with Mr. Winstead.

Mrs. ST. GEORGE changed her vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 285, nays 108, not voting 38, as follows:

[Roll No. 22]

YEAS—285

Abbitt	Davis, Ga.	Jensen
Abernethy	Davis, Wis.	Johnson
Adair	Deane	Jonas, Ill.
Alexander	Derounian	Jonas, N. C.
Allen, Calif.	Devereux	Jones, N. C.
Allen, Ill.	D'Ewart	Kean
Andresen, August H.	Dies	Kearns
	Dolliver	Kersten, Wis.
Andrews	Dondero	Kilburn
Angell	Donohue	Kilday
Arends	Donovan	King, Calif.
Auchincloss	Dorn, N. Y.	King, Pa.
Ayres	Dowdy	Knox
Baker	Doyle	Krueger
Barden	Durham	Laird
Bates	Edmondson	Landrum
Battle	Ellsworth	Lantaff
Beamer	Engle	Latham
Becker	Fallon	LeCompte
Belcher	Fenton	Long
Bender	Fisher	Lovre
Bennett, Fla.	Ford	Lucas
Bennett, Mich.	Forrester	Lyle
Bentley	Fountain	McConnell
Bentsen	Frelinghuysen	McDonough
Berry	Gamble	McGregor
Betts	Gary	McMillan
Bishop	Gathings	Mack, Wash.
Boggs	Gavin	Mahon
Bolton, Frances P.	Gentry	Mailliard
	Golden	Martin, Iowa
Bolton, Oliver P.	Goodwin	Mason
	Graham	Matthews
Bonin	Grant	Merrill
Bonner	Gubser	Miller, Md.
Bosch	Gwinn	Miller, Nebr.
Bow	Hagen, Calif.	Miller, N. Y.
Boykin	Hagen, Minn.	Morano
Bramblett	Hale	Morrison
Bray	Halleck	Mumma
Brooks, La.	Hand	Murray
Brooks, Tex.	Harden	Neal
Brown, Ga.	Hardy	Nelson
Brownson	Harris	Nicholson
Broyhill	Harrison, Nebr.	Norrell
Burleson	Harrison, Va.	Oakman
Busbey	Harrison, Wyo.	O'Hara, Minn.
Bush	Harvey	Osmers
Byrnes Wis.	Hays, Ark.	Ostertag
Camp	Hébert	Passman
Campbell	Herlong	Patman
Carlyle	Hess	Patterson
Carrigg	Hiestand	Pelly
Cederberg	Hill	Philbin
Chenoweth	Hillelson	Phillips
Chiperfield	Hillings	Pilcher
Church	Hinshaw	Pillion
Clardy	Hoeven	Poage
Clevenger	Hoffman, Ill.	Poff
Cole, Mo.	Hoffman, Mich.	Poulson
Cole, N. Y.	Holmes	Preston
Colmer	Holt	Priest
Cooley	Hope	Rains
Coon	Horan	Ray
Cooper	Hosmer	Rayburn
Cotton	Hruska	Reed, Ill.
Cretella	Hunter	Reed, N. Y.
Crumpacker	Hyde	Rees, Kans.
Cunningham	Ikard	Regan
Curtis, Mass.	Jackson	Rhodes, Ariz.
Curtis, Mo.	James	Riehlman
Curtis, Nebr.	Jarman	Riley
Dague	Jenkins	Rivers
Robeson, Va.	Smith, Va.	Wampler
Rogers, Fla.	Smith, Wis.	Warburton
Rogers, Mass.	Springer	Welchel
Rogers, Tex.	Stauffer	Westland
Sadlak	Steed	Wharton
St. George	Stringfellow	Wheeler
Saylor	Taber	Whitten
Schenck	Talle	Wickersham
Scherer	Teague	Widnall
Scott	Thomas	Wigglesworth
Scrivner	Thompson, La.	Williams, Miss.
Scudder	Thompson, Mich.	Williams, N. Y.
Seely-Brown		Willis
Selden	Thompson, Tex.	Wilson, Calif.
Shafer	Thornberry	Wilson, Ind.
Sheehan	Tollefson	Wilson, Tex.
Short	Utt	Winstead
Shuford	Van Pelt	Wolcott
Sikes	Van Zandt	Wolverton
Simpson, Ill.	Velde	Yorty
Simpson, Pa.	Vorys	Young
Small	Vursell	Younger
Smith, Kans.	Wainwright	
Smith, Miss.	Walter	

NAYS—108

Addonizio	Gordon	Moss
Albert	Granahan	Moulder
Andersen, H. Carl	Green	Multer
	Gregory	O'Brien, Ill.
Aspinall	Gross	O'Brien, Mich.
Bailey	Hart	O'Brien, N. Y.
Barrett	Hays, Ohio	O'Hara, Ill.
Blatnik	Heselton	O'Konski
Boland	Holtzman	O'Neill
Bolling	Howell	Perkins
Buchanan	Hull	Pfost
Buckley	Javits	Polk
Burdick	Jones, Ala.	Powell
Canfield	Jones, Mo.	Price
Case	Karsten, Mo.	Prouty
Celler	Keating	Radwan
Chatham	Kee	Reams
Cheif	Kelley, Pa.	Rhodes, Pa.
Chudoff	Kelly, N. Y.	Roberts
Crosser	Keogh	Robsion, Ky.
Dawson, Ill.	Kirwan	Rodino
Delaney	Klein	Rogers, Colo.
Dodd	Kluczynski	Rooney
Dollinger	Lane	Roosevelt
Eberharter	Lanham	Secrest
Elliott	Lesinski	Sieminski
Evins	McCarthy	Spence
Feighan	McCormack	Staggers
Fernandez	McVey	Sullivan
Fine	Machrowicz	Sutton
Fino	Madden	Trimble
Fogarty	Marshall	Watts
Forand	Meader	Wier
Frazier	Metcalf	Withrow
Friedel	Miller, Kans.	Yates
Garmatz	Mills	
George	Mollohan	

NOT VOTING—38

Brown, Ohio	Dorn, S. C.	Morgan
Budge	Fulton	Norblad
Byrd	Haley	Patten
Byrne, Pa.	Heller	Rabaut
Cannon	Holifield	Reece, Tenn.
Carnahan	Judd	Richards
Condon	Kearney	Shelley
Corbett	McCulloch	Sheppard
Coudert	McIntire	Taylor
Davis, Tenn.	Mack, Ill.	Vinson
Dawson, Utah	Magnuson	Withers
Dempsey	Merrow	Zablocki
Dingell	Miller, Calif.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Sheppard for, with Mr. Withers against.

Mr. Vinson for, with Mr. Morgan against.

Mr. Richards for, with Mr. Condon against.

Mr. Judd for, with Mr. Zablocki against.

Mr. Reece of Tennessee for, with Mr. Cannon against.

Mr. Taylor for, with Mr. Byrd against.

Mr. Kearney for, with Mr. Dawson of Utah against.

Mr. Coudert for, with Mr. Rabaut against.

Mr. Haley for, with Mr. Patten against.

Mr. McIntire for, with Mr. Magnuson against.

Mr. Merrow for, with Mr. Carnahan against.

Mr. Holifield for, with Mr. Dingell against.

Mr. Shelley for, with Mr. Byrne of Pennsylvania against.

Mr. Brown of Ohio for, with Mr. Heller against.

Mr. McCulloch for, with Mr. Mack of Illinois against.

Until further notice:

Mr. Fulton with Mr. Miller of California.
Mr. Corbett with Mr. Dempsey.
Mr. Norblad with Mr. Davis of Tennessee.

Mr. LAIRD and Mr. DONOVAN changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

EASTER RECESS

Mr. HALLECK. Mr. Speaker, I send to the desk a privileged resolution (H. Con. Res. 90) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That when the House adjourns on Thursday, April 2, 1953, it stand adjourned until 12 o'clock meridian, Monday, April 13, 1953.

The resolution was agreed to.

PROGRAM WEEK OF APRIL 13

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute in order to ask the gentleman from Indiana [Mr. HALLECK] what we may expect in the week of April 13 on our return, if the gentleman knows that far in advance.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HALLECK. Yes; I might say that I am glad to respond to the request of the gentleman from Texas, because many Members if they know today can arrange their affairs accordingly.

ORDER FOR CONSIDERATION OF CONSENT AND PRIVATE CALENDARS APRIL 13 AND APRIL 14

Mr. HALLECK. Mr. Speaker, first of all I ask unanimous consent that it may be in order to call the Consent Calendar on Monday, April 13, and the Private Calendar on Tuesday, April 14.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PROGRAM

Mr. HALLECK. Monday, April 13, is District day and if there are any bills ready out of that committee they will be called on that day, and the Consent Calendar will be called following the consideration of District of Columbia business.

Tuesday, April 14: The Private Calendar, and then on Tuesday and Wednesday we propose to call up House Resolution 3840, which extends the Farm Labor Act, and then a bill from the Committee on Banking and Currency, House Resolution 4004, having to do with certain reports made by banks to the Comptroller of the Currency. We are very hopeful that the Interior Department appropriation bill can be filed on Tuesday. If we can get unanimous consent; that is, if

noncommissioned or warrant officer grade or higher (who may also be the witnesses described in subsec. (b) of this section): *Provided, however,* That no period of service in the Armed Forces of the United States shall be made the basis of a petition for naturalization under this act if the applicant has previously been naturalized on the basis of the same period of service.

SEC. 2. Any person entitled to naturalization under section 1 of this act, who while serving is not within the jurisdiction of any naturalization court, may be naturalized in accordance with applicable provisions of that section without appearing before such court. The petition for naturalization of any such petitioner shall be made and sworn to before, and filed with a representative of the Immigration and Naturalization Service designated by the Attorney General, which representative is hereby authorized to receive such petition, to conduct hearings thereon, to take testimony concerning any matter touching or in any way affecting the admissibility of such petitioner for naturalization, to call witnesses, to administer oaths, including the oath of the petitioner and his witnesses to the petition and the oath prescribed by section 337 of the Immigration and Nationality Act and to grant naturalization and to issue certificates of naturalization: *Provided,* That the record of any proceedings hereunder shall be forwarded to and filed by the clerk of a naturalization court in the district designated by the petitioner and made a part of the record of such court.

SEC. 3. Any person otherwise qualified for naturalization pursuant to section 1 or 2 of this act who is or has been discharged under other than honorable conditions from the Armed Forces of the United States, or is discharged therefrom pursuant to an application for discharge made by him on the ground that he is an alien, or who is a conscientious objector who performs or performed no military duty whatever or refused to wear the uniform, shall not be entitled to the benefits of such section 1 or 2 of this act: *Provided,* That citizenship granted pursuant to section 1 or 2 of this act may be revoked in accordance with section 340 of the Immigration and Nationality Act if at any time subsequent to naturalization the person is separated from the Armed Forces of the United States under other than honorable conditions, and such ground for revocation shall be in addition to any other provided by law: *Provided further,* That for the purposes of section 340 (f) of the Immigration and Nationality Act, revocation on such ground shall be classified with revocatory action based on section 329 (c) of that act. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive or military department under which the person was serving at the time of separation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUBMERGED LANDS BILL

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I vigorously oppose the so-called tidelands bill. What I want to say concerning the tidelands oil question can be put briefly.

If for no other reasons than our national security and our national welfare, the Federal Government must keep control of the tidelands properties.

The necessity and the wisdom of this has been recognized by the great majority of responsible, thinking citizens, and by the United States Supreme Court.

It is vitally important to realize that so far as oil is concerned, we rapidly are becoming a have-not nation.

Our continental supplies are dwindling. Consumption of oil is greatly outdistancing production. New oil fields are not being discovered fast enough to keep up with our enormous national demand. We have to import oil to meet our national needs.

Therefore, if our armed services are to be kept strong—if our Navy is going to have the oil it needs for its ships, the Air Force for its planes, the Army for its tanks and trucks and mobile weapons—we not only have to assure the proper, systematic development of the offshore oil lands but we also must recognize the time factor in this development.

For should these properties be turned over to private companies for their own use now, the necessary supplies may not be there when we need them in years to come. Today's defense needs do not have a time limit. They will exist as long as there is a threat to freedom and democracy, and we cannot throw away the security of future generations for the profits of a present few.

Equally, if we are to be strong enough to fight and win in the world of ideas and traditions and beliefs, then we have in these tidelands properties a vast benefit to all the Nation.

Our democracy depends on citizens who are active in government, who are informed, and who can understand events and issues. We have lived through the years when we could see that dictatorship in other countries took hold and grew as tyrants took over education, restricted it more and more, denied it to an ever-growing number of people.

Yet through this very tidelands bill, we can show the world that we oppose tyranny. We believe in people being active in running their government, in being informed, and having the understanding that makes them better participants in the responsibilities of democracy.

If the Navy, for example, is allowed to continue its assigned jurisdiction over the offshore properties, then it can supervise the orderly development of the tidelands, and the income that results can be used to strengthen education.

All over the country, local communities are running into increasing trouble meeting the expenses of educating a rapidly growing school population. Classrooms are overcrowded heavily. Buildings are old, outmoded, and have to be replaced—but there are no funds to build the new buildings, build the needed classrooms.

Teachers in locality after locality still are heavily underpaid. In many cases, they get less in wages than street cleaners; yes, and garbage collectors.

As a matter of fact, 25 States have let it be known they themselves are dissatisfied with their old, rundown, unsafe school buildings.

Mr. Speaker, millions and millions of dollars will be gained every year if the tidelands properties are developed along logical conservation lines. This money can and must be used for the education of children in all parts of the country, and to build safer, more adequately staffed schools for them.

The money can and must be used to attract and hold experienced teachers in these now underdeveloped school areas.

Our democracy will be only as strong tomorrow as its citizens who are growing up today.

And those citizens—today's children—all have the right to an education and to the same educational opportunities. The youngsters growing up in any one of the many States that will be benefited by these funds has as much right to a good public school education as the boy or girl who lives in a State that needs no such additional help at all.

The wealth of America's natural resources belongs to all the people. Not just the people of 1 State, or 2 or 3, but the people of all 48.

Mr. Speaker, we cannot afford to make a national tragedy of tidelands. We have the ability to look ahead to our needs. We have the knowledge and the resources to plan to meet them now.

Oil for security and education means a lot more to the United States than oil for haphazard exploitation. We must not permit either a big deal or a big steal.

ELECTION OF MEMBERS TO JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

The SPEAKER laid before the House the following communication, which was read:

MARCH 31, 1953.

Hon. JOSEPH W. MARTIN,
Speaker, House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: Pursuant to authority granted by section 5001 (a) (2) of the Internal Revenue Code, the Committee on Ways and Means did, on January 16, 1953, elect the Honorable THOMAS A. JENKINS, of Ohio, and the Honorable RICHARD M. SIMPSON, of Pennsylvania, to be members of the Joint Committee on Internal Revenue Taxation, to serve with the following other House Members who have previously been duly elected by the Committee on Ways and Means as members of the Joint Committee on Internal Revenue Taxation: DANIEL A. REED, of New York; JERE COOPER, of Tennessee; and JOHN D. DINGELL, of Michigan.

Respectfully yours,

DANIEL A. REED,
Chairman.

SUBCOMMITTEE INVESTIGATING DEPARTMENT OF JUSTICE

Mr. KEATING. Mr. Speaker, I ask unanimous consent that the Subcommittee To Investigate the Justice Department may have permission to sit this afternoon after 3 o'clock during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

cause it involves many States, one after another, in any year.

"States' help is sought

"It is a complex problem, naturally, for it means special handling for the migratory children because of their necessarily short periods in one school after another in different States. And it may mean specially arranged courses so they can keep up, as well as teachers trained for this work.

"Just what the problem is overall, and how it might be met, is the object of the proposed study which the Commissioner of Education would institute in cooperation and agreement with States, private agencies, and private institutions across the country.

"Cause of delinquency

"As Dr. McGrath sees it, the job would entail, among other things, a census of migratory children, a history of their movements, a cooperative program with States for tests and records of the children which would go with them from one school to another, teaching materials that also could go with the child along with notation of the child's progress, specialized training for teachers by stimulating interest among colleges and universities, and publicity campaigns to arouse local communities to this problem.

"Thus, as Dr. McGrath put it 'in psychological terms, they will be accepted as members of the community, and not rejected, as they are at present.'

"He added that 'the psychological effect on the child of being rejected is very serious indeed, and it does lead to such things as crime and delinquency. That is the way they get their self-expression, if they are rejected in other life situations.'

"Here he put his finger on a very serious problem that goes inevitably beyond the child and becomes ours in society itself."

HOUSE BILL REFERRED

The bill (H. R. 4233) to provide for the naturalization of persons serving in the Armed Forces of the United States after June 24, 1950, was read twice by its title, and referred to the Committee on the Judiciary.

NOTICE OF HEARING ON NOMINATION OF STANLEY N. BARNES TO BE ASSISTANT ATTORNEY GENERAL

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, April 10, 1953, at 9:30 a. m., in room 424, Senate Office Building, upon the nomination of Stanley N. Barnes, of California, to be Assistant Attorney General, to fill an existing vacancy. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Tennessee [Mr. KEFAUVER].

NOTICE OF HEARING ON NOMINATION OF LESTER L. CECIL TO BE UNITED STATES DISTRICT JUDGE, SOUTHERN DISTRICT OF OHIO

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, April 10, 1953, at 9:30 a. m., in room 424, Senate Office Building, upon the nomination of Lester L. Cecil, of Ohio, to be United States district judge for the southern district of Ohio, vice Robert R. Nevin, deceased. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Missouri [Mr. HENNINGS].

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. KILGORE:

Statement prepared by him on The National Guard of the United States.

Article entitled "Foreign Oil: How It Hurts America, How It Can Be Curbed," published in the March 1953 issue of Coal Age.

Article entitled "Primer on the Treaty to Date," written by Neil Stanford and published in the Christian Science Monitor of January 26, 1953.

Editorial regarding politics in the Philippine Islands, published in the Wall Street Journal of March 10, 1953.

Excerpts from published report of conservation of human resources project.

By Mr. WILEY:

Statement prepared by him entitled "Freedom of Worship in all Corners of the World."

By Mr. TOBEY:

Address entitled "The Railroads and Education," delivered by Robert R. Young at the sixth annual railway progress dinner at Cleveland, Ohio, on March 26, 1953.

Article entitled "Another Witch Hunt in Massachusetts," dealing with the attitude of the Massachusetts Medical Society toward certain medical research projects.

By Mr. HILL:

Article entitled "NEA Reports Growing Need of Teachers," published in the Washington Post of April 1, 1953.

By Mr. BENNETT:

Article entitled "No Standby Controls," written by Henry Hazlitt, and published in *Newsweek for April 6, 1953.*

By Mr. BRICKER:

Editorial entitled "Adopt Bricker Resolution," published in the Stars and Stripes for April 2, 1953.

By Mr. LEHMAN:

Several editorials from recent issues of the Washington Post relating to the Bricker resolution dealing with limitation of the treaty-making power.

By Mr. DANIEL:

Radio broadcast by Eric Sevareid from Washington, D. C., on March 17, 1953, on the subject of "The Texas Chili Issue."

By Mr. CAPEHART:

Editorial entitled "An Unfinished Task," published in the New York Journal of Commerce of April 1, 1953.

THE AMERICAN TRAIL

Mrs. SMITH of Maine. Mr. President, in the 48 States, Alaska and Hawaii, millions of schoolchildren are hearing on their hometown radio stations an excellent series appropriately called The American Trail. The Ladies Auxiliary to the Veterans of Foreign Wars of the United States provided these 13 dramatic true stories of American history as a public service to schoolchildren, their parents and teachers. Three hundred radio stations, among them station WTOP here in Washington, and in my own State of Maine, stations WGAN, Portland, WABI, Bangor, and WCOU, Lewiston, are giving the free time for the broadcasts.

This series vividly portrays the courage, the sacrifices, and the abiding faith of the men and women who blazed the American Trail. I should like to quote the conclusion of the final chapter entitled "The Brave Flag." These are President Eisenhower's own words to the young people of our land:

The job of being an American is an unfinished job. In terms of what we plan and hope for and can achieve, America will always be an unfinished job. Most of all, it is the job of America's youth. More than any others, the young people of our country have the right to ask, Where are we going? Because wherever we go, they will be there. Now it has been my good fortune to spend all my life with young people. I think I sense what's on their minds in these troubled days. They hope, of course, to build a stronger, better America as the cornerstone of a free world. A strong America—an America growing in spiritual and material strength—is a bulwark against war. But more than that, a strong and free America, actively cooperating with the free world, can give substance to the hope of lasting peace. Our crusade sees for tomorrow an America filled with opportunity that passes far beyond the little limits of today. America's role will be a decisive one. My message to you—my message to the youth of our country is that America is not through. America is unfinished business—the most important unfinished business in the whole world.

I also include in this commendation of the Ladies Auxiliary and their excellent program entitled "The American Trail," an editorial which appeared Wednesday, March 25, in the New York World-Telegram and Sun:

The Ladies Auxiliary to the Veterans of Foreign Wars is making a splendid contribution to Americanism and to education with its American Trail historical programs for children, now being broadcast weekly.

These 13 thrilling narrations, recorded by professional actors, tell such dramatic stories as that of the Louisiana Purchase and the California gold rush in language the child can understand. They are so well done professionally that grownups are captivated too.

Like other thoughtful Americans, the ladies of the VFW were disturbed at the low level of many radio programs popular with children, and likewise concerned at the average American child's lack of interest in his country's history.

They did something about it, and did it well. The result is an inspiring series of broadcasts that should be available to every schoolchild.

TITLE TO CERTAIN SUBMERGED LANDS

Mr. WILEY. Mr. President, in connection with the tidelands quitclaim is-

sue now pending before the Senate, I have received a great many messages from my State urging my continued effort for protection of the national heritage.

The State of Wisconsin has a great tradition of interest in the public domain—in the protection of the resources for all the people.

At this time I send to the desk the text of a telegram received from Mr. Charles M. Schultz, president, Wisconsin State Industrial Union Council, Congress of Industrial Organizations, endorsing my efforts on behalf of continued Federal title to the tidelands.

I submit this telegram as indicative of many messages which have come to me, and I know to a great many other Members of the Senate, often from groups which have differed with us on numerous other issues, but which stand united with us on the need for protecting the assets of 160 million Americans and of generations to come.

I ask unanimous consent that the text of Mr. Schultz' telegram may be printed in the body of the CONGRESSIONAL RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MILWAUKEE, WIS., *March 31, 1953.*

Senator ALEXANDER WILEY,
Senate Office Building:

I wish to take this opportunity to congatulate you on your forthright stand on tidelands oil. Any person interested in the resources of America can only take this type of position. Your attitude is in keeping with the American principles. I urge you to continue your support of this important question.

CHARLES M. SCHULTZ,
President, Wisconsin State Industrial Council, CIO.

COMMISSION TO STUDY FEDERAL-STATE RELATIONS

Mr. HENDRICKSON. Mr. President, yesterday I addressed the Senate on the subject of a proposed commission to study Federal-State relations. I concluded my remarks with the following statement:

The Senate, I am certain, will recognize in the administration bill to be offered by the distinguished majority leader an opportunity for financial redemption from a hodgepodge of confusion which has been with us too long.

At the time I was unaware that the administration bill to establish a commission to study the Federal-State problem had been introduced by the distinguished majority leader [Mr. TAFT] earlier in yesterday's session, while I was attending a meeting of the Armed Services Committee.

I commend the President of the United States and the distinguished majority leader for lending their able and courageous leadership to this worthy cause. I trust that the bill, which was referred to the Committee on Government Operations, will receive early consideration. Certainly it deals with a subject which entitles it to high priority treatment.

EFFECT ON PRICES OF THE ELIMINATION OF PRICE CONTROL

Mr. MURRAY. Mr. President, one of the most important questions concerning the American economy today is what has been happening to prices since the elimination of price controls which began on February 26 of this year.

A few days ago the Bureau of Labor Statistics reported a decrease in the Consumers' Price Index. Yet, because of the inevitable time lag in the collection of statistics, this report showed only those price movements which had taken place by February 15. It was the furthest thing in the world from an up-to-date story on what has been happening to prices.

On March 19, therefore, I requested the Director of Peace Stabilization, Mr. Joseph H. Freehill, to prepare a special report which would bring together the very latest data on price increases. I have just received this report from Mr. Freehill who states that—and I quote:

Currently consumer prices are advancing and the Consumers' Price Index for mid-March will undoubtedly rise, reflecting higher prices for coffee, eggs, sugar, services, gasoline, cigarettes, and rents.

Mr. Freehill has also submitted a table which shows that the annual cost to consumers of increased cigarette prices will be $200 million, that the annual cost of increased coffee prices will range from $65 to $100 million, and that the annual cost of increased gasoline prices will be about $158 million.

Mr. President, I ask unanimous consent to have included in the RECORD at this point in connection with my remarks the communication from Mr. Freehill to which I have just referred, the tables which accompany Mr. Freehill's letter, and a copy of my original request for this information.

There being no objection, the letters and tables were ordered to be printed in the RECORD, as follows:

OFFICE OF PRICE STABILIZATION,
Washington, D. C., March 25, 1953.

The Honorable JAMES E. MURRAY,
United States Senate,
Washington, D. C.

DEAR SENATOR MURRAY: This is in reply to your letter of March 19, inquiring about price movements since decontrol.

As you indicate, press reports leave the reader with a blurred picture of current price developments and trends. It is still too soon after decontrol to have any comprehensive and systematic survey of price movements from which to judge the significance of decontrol, particularly at the consumer level. Prices on the average are not skyrocketing as in July 1946, but significant increases have been recorded or announced for a number of important commodities entering the defense program or the cost of living. Prices for many other commodities, including textiles, lead, zinc, and many farm products, have remained weak and well below former ceilings or peaks. In acknowledging these weaknesses, we cannot overlook the fact that price trends since decontrol have turned modestly upward on balance.

Official figures from the Bureau of Labor Statistics show that prices for basic raw materials in spot markets have risen since February 6, the date of the first decontrol order—a gain of 2.4 percent on the average. Any prolonged upturn or downturn for these materials has been followed historically by upturns or downturns at subsequent levels of distribution—manufacturers, wholesalers, and retailers. The recent upturn has followed constant declines from February 1951 through January 1953.

Official figures from the Bureau of Labor Statistics Weekly Wholesale Price Index show that producers' prices in primary markets advanced over 5 of the 6 weeks between February 3 and March 17. These prices averaged unchanged in the week ending March 10, making a net gain of about 1 percent. Such advances reversed the moderate but constant declines from April 1951 through January 1953. In mid-February of this year, prices for about 43 percent of the value of all commodities sold in primary markets were within 2 percent of record highs, according to the Bureau of Labor Statistics. Commodities having prices at or near such record levels were concentrated in the following groups: Metals and metal products; machinery and motive products; fuel, power, and lighting materials; structural nonmetallic minerals; tobacco, and bottled beverages; and a large portion of the chemicals and furniture- and household-durables groups.

The Consumer Price Index for mid-February this year (to be issued in a few days by the Bureau of Labor Statistics) will probably decline more than it did in mid-January—mainly the result of the sharp drop in retail beef prices early in February. The time lag between collection and publication of price data for this index is a serious handicap, leading to the misimpression that price trends more than a month old are current. Currently, consumer prices are advancing and the Consumer Price Index for mid-March will undoubtedly rise, reflecting higher prices for coffee, eggs, sugar, services, gasoline, cigarettes, and rents.

I am enclosing two tabulations which may answer many of your questions:

1. A list of commodities for which price advances have been announced since decontrol, including date of decontrol, price at decontrol, most recent price, and cents or percent increase.

2. A list of certain decontrolled commodities with estimates of annual cost to users of the respective price increases following decontrol.

I trust the above information adequately satisfies your request. If I can be of any further assistance please call upon me.

With kindest personal regards.

Sincerely yours,

JOSEPH H. FREEHILL,
Director of Price Stabilization.

Cost to users of price advances of individual commodities recently decontrolled

Commodity	Estimated annual sales volume	Price rise (approximate percent)	Annual cost
	Millions		*Millions*
Cigarettes, retail	$4,000	5	$200
Coffee, retail stores	1,275	5 to 8	65–100
Rice, retail	120	15	18
Domestic copper	450	12 to 38	60–175
Copper scrap	400	40	160
Aluminum scrap	100	35	35
Steel scrap	1,500	2	30
Gasoline, west coast	(1)	(½ to 3 cents)	158
Fuel oil, west coast	(1)	(1 to 3 cents)	17
Soda ash	103	12 [2]	12
Sulfur	110	9 to 14 [2]	10–15
Copper sulfate	17	12 to 15 [2]	2–3

[1] Not available.
[2] Press announcements of planned increases.

from Oklahoma [Mr. KERR and Mr. MONRONEY], the Senator from South Carolina [Mr. MAYBANK], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

The Senator from Georgia [Mr. GEORGE] is absent by leave of the Senate.

The Senator from Iowa [Mr. GILLETTE], the Senator from Washington [Mr. MAGNUSON], and the Senator from Florida [Mr. SMATHERS] are absent by leave of the Senate on official committee business.

The PRESIDING OFFICER (Mr. BENNETT in the chair). A quorum is present.

Under the unanimous-consent agreement, the Senator from Oregon [Mr. CORDON] is recognized.

Mr. CORDON. Mr. President——

ANNOUNCEMENT OF HEARING ON NOMINATION OF ANCHER NELSEN TO BE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION

Mr. AIKEN. Mr. President, will the Senator from Oregon yield to me for an announcement?

Mr. CORDON. Mr. President, I ask unanimous consent to be permitted to yield to the Senator from Vermont for the purpose of making an announcement in connection with official business, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may yield as indicated.

Mr. AIKEN. Mr. President, I announce that at 10 o'clock next Tuesday morning the Senate Committee on Agriculture and Forestry will hold a hearing on the nomination of Ancher Nelsen, of Minnesota, to be the new Administrator of the Rural Electrification Administration. Several Senators have asked me about Mr. Nelsen's appointment. I am unable to tell them anything other than that he is reputed to be a good man for the job, and there has been no objection to him. However, in view of the widespread interest in this position, I am announcing the hearing at this time. Any Members of the Senate who are interested will be welcome at the hearing, when Mr. Nelsen will appear.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the Joint Resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. CORDON. Mr. President, when the Senate adjourned yesterday the Senator from Oregon was attempting to explain the terms of Senate Joint Resolution 13, and had reached paragraph (d) on page 11 of the joint resolution as reported. Before continuing the explanation, and in order that Members of the Senate may fully understand that the Senator from Oregon does not wish in any way to be discourteous or to favor one Senator over another, and that he is not unwilling in any sense to discuss fully the merits of the joint resolution, the Senator from Oregon desires expressly and explicitly to state that he is now engaged only in explaining the terms of the joint resolution, and not in discussing in any sense the merits or demerits of the joint resolution. He is limiting himself to what he thinks might conceivably be of aid to Members of the Senate in reaching conclusions as to what the joint resolution is intended to do. He would prefer not to be unduly interrupted. He will yield for questions within the framework of the purpose of his present statement, namely, a statement as to what the joint resolution means. He asks Senators who have questions to limit their questions to that field, and to make the questions as brief and as much to the point as possible.

The Senator from Oregon assures all Senators who may thereafter desire to engage in colloquy on the merits of the joint resolution that he will be most happy to join with them at a later time and make it a merry afternoon; but as of now, he desires merely to explain the joint resolution.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. CORDON. Mr. President, I have a question before I start. I yield for a question from my friend, the Senator from Montana.

Mr. MURRAY. I appreciate the courtesy of the Senator in yielding to me. I merely wished to ask if the Senator from Oregon intended to explain clearly what the joint resolution means, and what it would do.

Mr. CORDON. The Senator from Oregon hopes to do so. It may well be that he will fail. He has failed before, but he will do his best to accomplish the purpose indicated.

Mr. MURRAY. I thank the Senator.

Mr. CORDON. Mr. President, yesterday when the Senate adjourned I was discussing the definitions in title I of the joint resolution. The next definition appears on page 11, in line 17, and is a definition of the terms "grantees" and "lessees," as those terms are used in the joint resolution.

I deem it unnecessary to explain the definition. It seems to me to be perfectly clear, and to need no additional explanation.

DEFINITION OF "NATURAL RESOURCES"

The next paragraph is paragraph (e) on page 12. It reads as follows:

(e) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include waterpower, or the use of water for the production of power.

The Senator from Oregon calls particular attention to the language of exclusion in that definition. It does not include waterpower or the use of water for the production of power.

At this point in the joint resolution an amendment was inserted. The original language included this further language:

At any site where the United States now owns the waterpower.

That language was deleted by the committee in its recommended substitute amendment. My memory is that the committee was unanimous in that action. It is my recollection that the deletion met with the approval alike of those who believe in the philosophy of the Holland bill and those who believe in the approach of the Anderson bill.

DELETION OF ORIGINAL PROVISION EXPLAINED

The deletion of the language raised questions in the mind of the committee, and I invite attention to the statement of the committee which is found at page 19 of the report with reference to these words. I shall read that statement into the RECORD:

(20) The words "at any site where the United States now owns the waterpower" have been stricken here in the definition of "natural resources." The same language also is stricken from subsection (d) of section 3, page 16, at line 12, after the word "power." It is the committee's view that the provision is (1) surplusage; the right of the United States to generate and dispose of electrical energy as an incident to regulation of commerce is amply protected in preceding language; and (2) use of the word "owns" in connection with water power may be construed to import some right other than and in addition to the rights of the United States under its constitutional power to regulate commerce.

The remainder of the definition would appear to be clear.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a question of fact?

Mr. CORDON. The Senator from Oregon has indicated that he will yield for questions with respect to the meaning and purpose of the terms used in the joint resolution, and he will be very happy to yield to the Senator from Illinois for any question in that field.

Mr. DOUGLAS. Mr. President, would the Senator from Oregon say whether the term "other minerals" includes sulfur?

Mr. CORDON. Mr. President, so far as the Senator from Oregon knows—and he is not a chemist, nor is he a geologist—sulfur is a mineral. He believes sulfur is a mineral.

The next definition is at page 12, line 12:

(f) The term "lands beneath navigable waters" does not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States and if the title to the beds of such streams was lawfully patented or conveyed by the United States or any State to any person.

That exclusion from the definition of lands beneath navigable waters" is placed in the joint resolution as a precautionary measure and as an explanatory provision. Its purpose is clearly to indicate that the pending joint resolution is not intended to affect in any way title to lands in the upland areas which have been lawfully patented and which may include still or flowing water that is nonnavigable. It has no other purpose.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a question of fact?

Mr. CORDON. I am happy to yield for a question.

Mr. DOUGLAS. The Senator from Illinois would like to inquire about the meaning of the word "meandered." Is the word "meandered" used in the Homeric sense, "the river which wound about the battlements of Troy," or does it have a particular legal connotation?

Mr. CORDON. The Senator from Oregon is not at the moment discussing the battlements of Troy or the waters, nonnavigable or navigable, therein or round about. The Senator from Oregon enjoys a little persiflage with his friend from Illinois and, therefore, is happy to answer that one question.

The word "meandered" has a meaning and a definite definition, and any dictionary will supply it to my friend from Illinois, although I am perfectly certain that he needs no dictionary for that purpose.

Mr. HILL. Mr. President, will the Senator from Oregon yield for a question?

Mr. CORDON. I am happy to yield to the Senator from Alabama.

Mr. HILL. Does the word "meandered" as used here in connection with the "public survey of such lands under the laws of the United States" have any particular meaning under the laws or in connection with such surveys?

Mr. CORDON. Mr. President, the laws of the States differ both as to their interpretation of the old common law of riparian rights, and as to their State statutes on the subject.

The word "meandered" as used in the joint resolution means the delineation of the banks of navigable waters. The United States, in following the sectional survey system, has habitually meandered those waters which were clearly and without any question navigable, and in extending its sectional survey system has stopped every line when it has reached the meander line around nonnavigable waters.

In some States we have decisions one way and in other States another way, not with respect to lands beneath meandered areas, but with respect to lands beneath waters where the lines have not been meandered.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a question?

Mr. CORDON. I am happy to yield to the Senator from Illinois.

Mr. DOUGLAS. Am I to understand the Senator from Oregon to say that the term "meandered" has the sense of to delineate, rather than to wind?

Mr. CORDON. The Senator from Illinois is correct in that respect. Of course, we again exclude the walls of Troy.

I read from page 12 of the joint resolution:

> (g) The term "State" means any State of the Union.

That paragraph is self-explanatory.

> (h) The term "person" includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

That concludes the definitions found in title I. Title II has the subtitle: "Lands Beneath Navigable Waters Within State Boundaries."

Section 3 in title II carries the first command in the joint resolution, although the definitions themselves partake of command in certain respects.

Section 3, in substance, Mr. President, determines and declares—

> That (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof.

Mr. AIKEN. Mr. President, will the Senator from Oregon yield for a question?

Mr. CORDON. I yield.

Mr. AIKEN. Under this provision would the States have a right to require fishing and hunting licenses within the distance from the shore which might later be recognized as the boundary of the States; for instance, in the case of Florida for 10½ miles, if that is decided to be the legal distance the State of Florida extends on its west coast?

Mr. CORDON. A State has always had the right—and so far as I know, that right has never been disputed—of police power within its boundaries. In the case of the littoral States, that boundary is 3 miles at sea, or whatever other distance it may be.

Mr. AIKEN. Then the States do have authority to require fishing licenses within the 3-mile limit; is that correct?

Mr. CORDON. There is no question in my mind that they now have such authority and that they would have under Senate Joint Resolution 13.

Mr. President, the next paragraph is an additional and precautionary approach to this overall problem. We must have in mind that we are dealing with two classes of lands under navigable waters: First, the land under so-called inland waters, including streams and lakes; second, the lands without the inland waters but in waters within the boundaries of the States, adjoining and being a part of the open sea.

INLAND WATERS PROTECTED

The decision of the Supreme Court in the three cases was limited in its legal effect to the latter class of lands, namely, those outside of inland waters and below the low-water mark on the coasts of the open sea. However, because of the danger the same philosophy enunciated in the decisions with respect to the marginal sea might later be applied to the inland waters—in other words, rivers and lakes—the joint resolution provides, in paragraph (a) and paragraph (b) (1), a separate approach. In paragraph (a), there is provision for recognition, confirmation, establishment, vesting in and assigning to the State the lands and the resources. In paragraph (b) (1) there is release and relinquishment by the United States to the "States and persons aforesaid," except as excepted in the joint resolution, of "all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources"; and of "all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters."

Here we have release and relinquishment; and that release and relinquishment, in order to carry out the philosophy of the joint resolution to make the States whole and put them in the position in which they would have been in the absence of any of the three decisions. Under the quoted paragraph, the United States Government releases to the States any claims for money or damages which they might have by virtue of any acts taken pursuant to State law, but which might be found to be violative of whatever Federal rights arose as a result of the three so-called tidelands decisions, or any of them. That is the purpose of that particular release-and-relinquishment clause.

Mr. HILL. Mr. President, will the Senator from Oregon yield at this point for a question?

Mr. CORDON. I yield.

Mr. HILL. As I recall, the word "quitclaim" has previously been used in this section or in an analogous section. Will the Senator from Oregon advise us why that word does not appear at this point in the joint resolution?

Mr. CORDON. I am of the opinion that that word has not appeared in any legislation or proposed legislation on this subject since before the date of the California decision. Even then I believe the term used was "quiet title," rather than "quitclaim."

So far as I understand, however, the word "quitclaim" could have been added without in any way changing the meaning or purpose of the joint resolution. The words in the measure are used to spell out as precisely as possible its intent.

NO LIABILITY FOR PAST OPERATIONS

Mr. President, we now have reached page 14, line 4, of the joint resolution. Clause (3) in paragraph (b) (1) provides authority and direction to the agents of the United States to pay to the persons or to the States entitled thereto such moneys as have been paid to agents of the United States in connection with operations or continuation of operations under leases theretofore granted. Such operations in some instances have been continued under stipulation, and, in others, under operating orders or arrangements, the particularity of which the Senator from Oregon does not recall in detail at this time.

Mr. AIKEN. Mr. President, will the Senator from Oregon yield at this point for a question?

Mr. CORDON. I yield.

Mr. AIKEN. I should like to inquire whether this portion of the joint resolution covers any moneys other than those paid for oil leases. If other moneys are covered, just which ones are covered?

Mr. CORDON. Any such moneys would be covered. I am of the view that no other moneys have been paid, although I would not make that statement

as a statement of fact. I myself know of no other moneys that have been paid.

Mr. AIKEN. Can the Senator from Oregon give us a statement of the approximate amount of money thus paid? Can he tell us approximately how much it is?

Mr. CORDON. I have not come prepared with exact dollar figures, but I assure the Senator from Vermont that the figures are available. The amount is considerable.

Mr. AIKEN. The amount is a very considerable one, is it not?

Mr. CORDON. Oh, yes. I have just been advised by the committee counsel that the total is approximately $62 million. Part of that amount has been paid to the Federal Government, and a part has been paid to California, under the stipulations.

Mr. AIKEN. I am glad the Senator from Oregon regards $62 million as a substantial amount. A moment ago, when he said the amount "is considerable," I was afraid he was going to refer to figures reaching the hundreds of millions of dollars.

Mr. CORDON. When I said it was a considerable or substantial amount, I was speaking in my personal capacity. I could have said "a tremendous amount." However, when a Senator serves on the Appropriations Committee, sometimes he wonders whether an amount such as that involved here is any money at all.

Let me suggest to the Senator from Vermont that data on the subject to which he has adverted appear on page 570 of the hearings on the pending joint resolution.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield at this time for a question regarding paragraph (d)?

Mr. CORDON. I yield.

Mr. DOUGLAS. Do I correctly understand the Senator from Oregon to say that these sums, amounting to approximately $62 million, which either are impounded under stipulation by the States or at present are held in escrow in the hands of the Federal Government, will revert to the States under this clause of the resolution?

Mr. CORDON. That is correct. However, I must say that applies only to funds which have been paid with respect to operations inside the State boundaries. A portion has been paid from operations outside or seaward of the State boundaries. As to those funds, this joint resolution does not affect them in any way.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a further question, together with a prefatory statement one sentence in length?

Mr. CORDON. Yes.

Mr. DOUGLAS. I do not wish to renew the struggle we went through yesterday to find out what the State boundaries are. But until we know what the State boundaries under this resolution are considered to be, how can this provision be interpreted and applied, except as between the royalties received from inside 3-mile limit and those from outside the 3-mile limit? In other words, what will happen to the royalties from oil wells between the 3-mile limit and the 10½-mile limit in the case of Texas, and to the royalties from wells between the 3-mile limit and the 27-mile limit, in the case of Louisiana?

Mr. CORDON. Mr. President, I see that my friend from Illinois will encroach just a little once in a while.

Mr. DOUGLAS. No.

Mr. CORDON. And I forgive him.

Mr. DOUGLAS. I assure the Senator I am simply trying to find out the meaning of this joint resolution, and I am sure the Senator from Oregon wishes to cooperate in this matter. These sums revert to the States, except for the royalties from the wells in the reserved lands, which have not yet been finally decided to be within State boundaries. Now I am trying to find out what is going to happen to the royalties from wells outside the 3-mile limit.

Mr. CORDON. Mr. President, the joint resolution makes no provision for disposition of funds received from wells outside State boundaries. The Senator from Oregon has indicated heretofore, and reiterates—although it is unnecessary—that this joint resolution does not locate the State boundaries. On page 570 of the hearings there appear certain tables which were presented by the United States Geological Survey and which indicate that someone in the Federal Government has some idea of where traditional State boundaries are. The Senator from Oregon does not confirm the accuracy of the tables. He simply states they are printed at that point in the hearings.

Mr. AIKEN. Mr. President——

Mr. CORDON. The Senator from Oregon will now yield to the Senator from Vermont.

Mr. AIKEN. I noticed that the total revenue which might have to be repaid amounts to $35,284,000, of which $15 million would go to Louisiana, $500,000 to Texas, and nearly $20 million to California. But the amount payable to California appears to be for royalties paid under licenses granted within the traditional State boundary. I assume that is within the 3-mile limit.

Mr. CORDON. That is within the 3-mile limit.

Mr. AIKEN. I know I am asking an elementary question, but why has the Federal Government, in the case of California, been collecting money on licenses granted within the 3-mile limit?

Mr. CORDON. I may say to the Senator that the answer to that question involves the reason for this joint resolution. The Supreme Court has decided that the proprietary interest in those areas has coalesced with other and different interests which the Court calls paramount rights. Therefore, the proprietary rights which the States exercised have been declared to be in the United States in the form of paramount rights. The necessary legal result is that, even within that area beginning at the low-water mark along the coast and at the outward line of inland waters and on out to the Continental Shelf, everything, including the minerals in the subsoil and all other values there, is under that paramount jurisdiction and control of the Federal Government. Revenues, therefore, from operations in that marginal sea area, would inure to the United States under the theory of the decisions, although the leases provide such revenues should go to the State.

Mr. AIKEN. I suppose I become more elementary with every question; but did the Supreme Court decide that the resources within the 3-mile limit came under the jurisdiction of the Federal Government, in the case of California, and, I assume, in the case of other States?

Mr. CORDON. The answer is "Yes."

Mr. AIKEN. I do not think the Senator from Vermont is the only person who had never before understood that.

Mr. CORDON. The sole purpose of Joint Resolution 13, as it was introduced, was to place in the States by law the values underlying navigable waters, including 3 miles seaward, or wherever the boundary line of the States may be. The purpose by law was to place in the States what the States have enjoyed in fact and what they thought they had, and did have, in fact, up to the time of the California decision.

Mr. AIKEN. I believe the public has the impression that this resolution would give the States of Texas and Florida entire jurisdiction over the land beneath the sea for a distance of approximately 10 miles.

Mr. CORDON. That may be the case. I cannot say to the Senator that it is or is not. It depends on the validity of the claims made by the State of Texas and the State of Florida. I say they have made what appear to be good claims. But whatever they are, this resolution does not establish where they are, but it grants to the States affected the natural resources out to the State boundary.

Mr. AIKEN. This resolution does not attempt to fix the State boundary, does it?

Mr. CORDON. It does not.

Mr. AIKEN. If this resolution is passed, is there anything in it that would preclude the State of Texas, for instance, from claiming jurisdiction over the land and its resources, beneath the sea, for a distance of 70 or 80 miles?

Mr. CORDON. The Senator from Oregon desires to add a little bit to his last answer. The Senator from Vermont asked whether this joint resolution fixes State boundaries. It does not fix any original State boundaries; it does not attempt to do so. It does provide that as to the 13 coastal States, their seaward boundaries shall be 3 geographic miles from their coast line. It does provide the consent of the United States that any State which has not already done so may extend its seaward boundary 3 miles from its coast line. That authority and provision with reference to the coastal States is in the joint resolution.

Mr. AIKEN. Then the enactment of this joint resolution would still leave the way open for further controversy between the United States and the State of Texas as to the jurisdiction of the Continental Shelf. Is that correct?

Mr. CORDON. The resolution does not create any difficulty, nor does it do away with any difficulty as to the location of a State's sea boundary. It does confirm in the United States the jurisdiction and control of the natural resources in the subsoil and seabed of the Continental Shelf outside of State

boundaries, as such boundaries are defined in the joint resolution.

Mr. AIKEN. But there is no way of telling, from this joint resolution, where such State boundaries may be.

Mr. CORDON. No, not as to either Florida or Texas, in regard to a three-league limit.

Mr. AIKEN. We are all concerned with this proposal because of the situation in regard to Mexico. If Texas claimed jurisdiction 10, 30, or 70 miles seaward into the Continental Shelf, would we be in a position to deny to the Mexican Government the right to do the same thing so far as its part of the Continental Shelf is concerned?

Mr. CORDON. With respect to the three leagues limit, there was in the treaty——

Mr. DANIEL. The treaty of Guadalupe-Hidalgo.

Mr. CORDON. Yes; the treaty of Guadalupe-Hidalgo. That treaty recognizes a boundary line extending three leagues from the mouth of the Rio Grande into the Gulf of Mexico, as the boundary line between the United States and Mexico.

Mr. AIKEN. The distinguished former attorney general of Texas [Mr. DANIEL] is a member of this body, and I am glad he is here. I should like to ask whether Texas is willing to accept that as its boundary?

Mr. DANIEL. Mr. President, will the Senator from Oregon yield so that I may answer the question of the Senator from Vermont?

Mr. CORDON. I yield.

Mr. AIKEN. The answer to the question will have quite a bearing on the way I shall vote on the question.

Mr. DANIEL. That is the reason why I am anxious to answer the Senator's question. I desire to make it clear that under this resolution the State of Texas is not granted any property or released any property beyond its boundaries as they existed at the time the State entered the Union, which were fixed in the Gulf of Mexico at 3 leagues and later fixed in the Treaty of Guadalupe-Hidalgo at 3 leagues. Nothing in this resolution would permit the State of Texas to claim ownership beyond 9 marine miles which equal 10½ statute miles.

Mr. AIKEN. Would there be anything in the resolution to prevent Texas from claiming the ownership of lands beyond that distance?

Mr. DANIEL. There is a Supreme Court decision which prevents the State of Texas from claiming ownership beyond 3 leagues. The resolution does assert in one of its final sections, section 9, that the jurisdiction and control of the United States——

Mr. AIKEN. I have the section before me, and it was a reading of that section which prompted my inquiry.

Mr. DANIEL. It asserts the jurisdiction and control of the United States beyond the historic boundaries, or the boundaries approved by the Congress of the United States. Beyond and seaward of the traditional 3-league boundary, the natural resources appertain to the United States and are subject to the control and jurisdiction of the United States.

There is nothing in any bill which has been introduced in this session of the Congress that would claim for the States the ownership or the control of any lands beyond their historic and traditional boundaries.

Mr. AIKEN. Then the passage of the resolution would, to all intents and purposes, so far as I am concerned, leave the boundaries of the State fixed at the 3-league limit from the shore.

Mr. DANIEL. Certainly, it would leave the boundary of the State of Texas, so far as the ownership of any lands is concerned, at 3 leagues. That is correct.

Mr. AIKEN. Would any jurisdiction over the resources have to be conferred on the State of Texas by an act of Congress in case it was later decided to do so?

Mr. DANIEL. Would it have to be conferred by an act of Congress, beyond the 3-league boundaries?

Mr. AIKEN. Yes.

Mr. DANIEL. That is correct.

Mr. AIKEN. Just one more question. The resolution does not in any way attempt to confer on the State any jurisdiction whatsoever outside of its natural boundaries, if that is the correct term——

Mr. DANIEL. Its historic boundaries.

Mr. AIKEN. Who would control the development outside the State's borders, then?

Mr. CORDON. First, let me give a little background in order that I may answer the Senator's question.

In 1945 the President issued a proclamation declaring that the natural resources of the subsoil and seabed of the Continental Shelf around the United States appertained to the United States, and that such natural resources were under the jurisdiction and control of the United States. When hearings were had on this resolution, the administration, through the Department of Justice and the Department of the Interior, urged that the proposed legislation include a legislative confirmation of that proclamation. The administration spokesmen also implemented such a confirmation so that the Secretary of the Interior could administer and provide for development within the area.

Mr. AIKEN. Very well. Has this claim of the United States of jurisdiction over the land out to the Continental Shelf, outside the State boundaries, been disputed by foreign nations?

Mr. CORDON. So far as the Senator from Oregon knows, it has not. This joint resolution has in it a provision confirming in the United States that jurisdiction and control. I say to the Senator that the resolution does not go beyond that with respect to the outer Continental Shelf. When the committee got to the problem of writing a law to apply to that area, it ran into some rather tough legal snags.

The type of jurisdiction and control which starts with the land and goes down but does not go up is peculiar to this problem. It is something we had not previously encountered, and the committee felt that it should make haste a little slowly and be sure what it was doing before it offered legislation in that particular field and recommended its approval. So the committee has provided only for the ratification of the Presidential proclamation, leaving the rest of the Continental Shelf for a more careful study.

Mr. AIKEN. Has the Mexican Government made any claims to resources in its part of the Continental Shelf?

Mr. CORDON. There are set forth in the hearings claims of various nations, including that of the Mexican Government. The claims vary from those which are limited by the Continental Shelf to those which go many, many miles into the open sea.

Mr. LONG. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield.

Mr. LONG. With regard to the Texas question, I wish the very able Senator from Vermont would look at the map which appears at page 411 of the hearings. It was prepared by the United States Government and shows the boundary between Texas and Mexico as fixed in the Treaty of Guadalupe-Hidalgo. There is no doubt that the United States, in that treaty, recognized the Mexican boundary of 3 leagues and also the Texas boundary of 3 leagues.

It is ridiculous for the State Department to take the point of view that after entering into a treaty it can now say the treaty does not exist, and it can protest, and perhaps do even more, when the Mexicans arrest our shrimp fishermen who go within 10½ miles of Mexico. It is the most ridiculous thing in the world for any member of the State Department to talk about protesting when we, by treaty, recognized that the Mexican boundary extended 10½ miles into the sea.

Mr. CORDON. Mr. President, I hope we shall not go too far afield so that I cannot maintain the rule which I laid down for myself and my colleagues.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield.

Mr. DOUGLAS. Mr. President, since the Senator from Oregon was courteous enough to permit the Senator from Vermont to address questions to the Senator from Texas, I wonder if he will accord me that courtesy so that I may ask a question or two of the Senator from Texas.

Mr. CORDON. Mr. President, I ask unanimous consent that I may do so, and I am happy to do it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. I understood the Senator from Texas to say that this resolution does not confer upon Texas any right to claim the ownership and control of submerged lands beyond 3 leagues or 9 sea miles or 10½ land miles; is that correct?

Mr. DANIEL. That is correct.

Mr. DOUGLAS. Does the Senator from Texas believe that the resolution affirmatively gives to Texas the right to claim title and ownership out to 3 leagues or 10½ miles?

Mr. DANIEL. The Senator from Texas very definitely believes that the resolution gives the State of Texas the ownership and title out to the boundaries of the State of Texas as they existed at the time the Republic of Texas came into the Union as a State, which boundaries were, of course, 3 leagues,

and were so recognized then and have thereafter been recognized by the United States Government.

Mr. DOUGLAS. Would the Senator from Oregon permit me to thank the Senator from Texas for clearing up a feature concerning the intended legal effect of the resolution which I labored all yesterday afternoon to try to clear up?

Mr. CORDON. I am happy to accord that opportunity to the Senator from Illinois.

Mr. President, since I am in charge of presenting the joint resolution, and therefore to some extent responsible for its explanation to the Senate, I may say again that I feel it incumbent upon myself to say that the joint resolution does not determine the location of original boundary lines.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CORDON. I will yield for a question. I ask the Senator to limit his request to a question on the subject.

Mr. LONG. I wish the Senator from Oregon would permit me to clear up one issue which has been interjected into the discussion. I ask the indulgence of the Senator from Oregon so that I may make one statement with regard to the Louisiana boundary.

Mr. CORDON. Will the Senator make his remarks as brief as possible?

Mr. LONG. I will try to do so.

Mr. CORDON. I yield for that purpose.

Mr. LONG. On page 280 of the hearings there appears a portion of the testimony of the attorney general of Louisiana, who makes clear that the act of the Legislature of Louisiana in extending its boundaries 27 miles has no effect insofar as this proposed legislation is concerned, and that Louisiana is limited to its original boundary unless the Federal Government should at a future time see fit to recognize the State boundary as extending beyond the boundary that existed when the State came into the Union. That statement is at page 280 of the hearings.

The Senator from Illinois [Mr. DOUGLAS], who is interested in the matter, can find there the information he desires on the question. He can find also that responsible public officials of the State of Louisiana had great difficulty in trying to determine what actually is the seaward boundary of Louisiana, because the coastline has so many indentures and there are so many islands offshore.

With regard to leases on inland waters, the attorney general of the State many times has had to advise and warn persons who were filing for leases under State law that they were filing at their own risk. There was some thought about the State's issuing a lease subsequent to the Supreme Court opinion, when the State felt the waters were inland waters, and the Federal Government felt they were not inland waters.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. CORDON. I am happy to yield to the Senator from Montana.

Mr. MURRAY. Is it not true that the Attorney General of the United States suggested at the hearings a very simple way to avoid the perplexing problem about historic boundaries? In the hearings, he said:

> An actual line on a map dividing the two areas of submerged lands should be drawn by Congress in the bill to eliminate much expensive and unnecessary litigation. If the statute merely refers in words to "historic boundaries" or in words describes a line beginning at the edge of the States' inland waters or tries to describe in words, bays or other characteristics of the coast, unnecessary litigation will almost surely result. Therefore, we make this suggestion of an actual line on a map drawn as part of the bill, which would eliminate also, we think certain international problems that might otherwise arise if Territorial-ownership claims are asserted in the State or Federal Government beyond their historic 3-mile limit.

The main point I desire to make is that the Attorney General believed that instead of trying to accomplish the purpose by words only, which, as the Senator knows, would raise as many questions as it would settle, he would have liked to have the joint resolution provide that a line be drawn on a map. He believed that that would eliminate a great amount of future controversy. Would that not be a very simple method?

I asked the Attorney General if that would be difficult for us to do. He said "No" that it would be very simple for Congress to make such provision. He said that many times he had seen Congress solve other problems a great deal more difficult than this one. So it seems to me that if a line is to be drawn we should follow the advice of the Attorney General of the United States, the chief law officer of the country. He specified in the hearings how the line should be drawn in order to avoid future litigation.

Mr. CORDON. Mr. President, I do not have the heart to suggest to my colleague from Montana that the point he raises is somewhat outside the area of discussion here. The Senator from Montana has done a marvelous job of cooperating in the handling of the hearings and in the preparation of the joint resolution. I am glad to extend to him any and every courtesy.

COMMITTEE DECIDED NOT TO DRAW LINE

I now answer the question involved by calling attention to the fact that the RECORD as of yesterday covered the subject matter; but in order that it be not necessary to turn back to the RECORD, the substance of the statement was that the idea advanced by the Attorney General, namely, of drawing an arbitrary line on a map, was given careful consideration. After further discussion of the matter with the Department of Justice, there was unanimity of belief that such a proposal was not a sound approach for the purposes of the joint resolution, and therefore it was discarded.

As to whether it would be better to draw such an arbitrary line, or to choose another method that might be evolved by someone else, I can only say that the line idea was considered and, with the agreement of the Department of Justice, was abandoned. The boundary lines of the States recommended by the committee majority are the lines as they were at the time the States entered the Union, or as they were thereafter extended with the approval of the Congress.

Mr. MURRAY. Mr. President, will the Senator yield further?

Mr. CORDON. I desire to hear my good friend. Does he desire to ask a question?

Mr. MURRAY. Yes.

Mr. CORDON. I yield.

Mr. MURRAY. Does the record show that the Attorney General agreed with the Senator from Oregon to abandon the proposal to draw lines?

Mr. CORDON. I am of the opinion that the record does not so show. I can only say to the Senator from Montana at the moment that discussions were had by me as chairman of the committee for the legislation in an endeavor to have the measure in proper form technically for presention to the committee. As of the moment, the Senator from Montana has no assurance except the assurance of the Senator from Oregon.

Mr. MURRAY. The Senator from Oregon talks about an arbitrary line being drawn. The Attorney General did not recommend the drawing of an arbitrary line.

Mr. CORDON. Mr. President, I am afraid I shall have to ask for the regular order. I shall be happy to entertain questions from my colleague.

Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. MURRAY. I wish to apologize. I desire to thank the Senator from Oregon for his very kind attitude toward me today. He was always considerate during the hearings, and I tried to cooperate with him, as he has already admitted I did.

As the senior member of the minority on the committee, it seems to me, that I should be permitted to ask a question or two. Senators who are not on the committee at all have asked a number of questions. I cannot understand why I am to be precluded from asking some.

Mr. CORDON. I wish to assure my colleague, the distinguished Senator from Montana, that I desire to accord him every courtesy. I reiterate that he has been most cooperative. But he cannot now, while we are engaged simply in exploring what the joint resolution means, go back into yesterday's argument, bring it up to date, and let it continue as an uncontrolled dialog. The situation is bad enough under the circumstances of question and answer; but when it comes to contention, iteration and reiteration, denial and affirmation, and the like, we shall simply be lost. So far as I am concerned, while I have the floor, I cannot indulge in it.

Mr. DOUGLAS. Mr. President, would the Senator from Oregon permit a question as to the meaning of paragraphs 3 (a) and 3 (b) of title 2?

Mr. CORDON. I had completed my discussion of 3 (a) and 3 (b), but I shall be glad to entertain a question with reference to their meaning, and answer the question, if I can.

Mr. DOUGLAS. Am I correct in my understanding that the effect of paragraphs 3 (a) and 3 (b) is to release and transfer ownership in and control of submerged lands, and all the accrued royalties therefrom, within what may

hereafter be found to be boundaries of the coastal States?

Mr. CORDON. Mr. President, the question really did not need such emphasis as the Senator from Illinois has given it. The Senator from Illinois fully understands that those provisions of the joint resolution are for the purpose of establishing, transferring, releasing, and quitclaiming to the States the lands, the natural resources, and the royalties that have accrued since the time of the particular decision affecting the particular area, to the States I am sure my friend fully understands all. If it is now more clear in the RECORD, the Senator from Oregon is pleased.

RECOGNITION OF STATE LEASES

We are now down to page 14, paragraph (c). Paragraph (c) is but the implementation of the recognition of the validity of existing leases in the areas in question. I shall not read the paragraph unless it is requested. In substance, it provides for confirmation of leases which were valid under State law, and provides for their continuation by the State under the terms of the leases themselves. This is somewhat technical, because of the fact that, as a result of the decisions, performance or the possibility of performance by the holders of the leases under their terms has been impossible in most instances.

In the case of an exploratory lease, exploration had to cease under injunction. In other cases there were other types of impediment. This language simply seeks to remove the effects of those difficulties and continue the leases in effect if they would be valid under the law of the State which issued them except for the conditions brought about by the decisions.

Paragraph (d) on page 16 is of such importance that I believe it should be read. It is as follows:

(d) Nothing in this joint resolution shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

I believe that paragraph is perfectly clear. I desire to say that the explanation I made sometime ago with respect to the elimination of the words "at sites where the United States owns the waterpower" applies here also.

CONTROL OF GROUND AND SURFACE WATERS UNAFFECTED

We are now down to paragraph (e) on page 16. This is another important provision. I particularly call it to the attention of my colleagues from the western arid-land or irrigation States.

Mr. HILL. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. HILL. The Senator from Oregon is of course very familiar with the laws of the western States—much more so than some of us who come from nonwestern States. I wonder if the Senator would briefly summarize the reasons for subsection (e) on page 16, beginning in line 16.

Mr. CORDON. I was just about to read it and call attention to it.

Paragraph (e) on page 16 reads as follows:

(e) Nothing in this joint resolution shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the 98th meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

That provision is inserted in order that there may be no question as to any intent to convey by this joint resolution any rights of the States in connection with consumptive use of water in the western land States. My colleagues who were Members of the Senate as far back as 1944 will recall that the Flood Control Act of 1944 contained language similar to this, its purpose being to establish the priority right in the arid States to the use of water for consumptive purposes.

That doctrine is written into the constitutions, into the laws, and into the judicial history of the western land States. The purpose here is expressly to exclude from the operation of the joint resolution any enlargement or abridgement of those rights—in other words, to leave them without any effect whatever from this legislation.

SEAWARD BOUNDARIES

We now come to section 4, beginning in line 24 on page 16. I shall read the section, and indicate its application to the remainder of the joint resolution:

SEC. 4. Seaward boundaries: The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographical miles distant from its coastline.

That first sentence was inserted for the purpose of settling legislatively the seaward boundaries of the original 13 States, which were, of course, former colonies of the British Crown. They fought for and secured their independence, and were in themselves 13 sovereignties, which organized themselves into a confederation and then into a Union of States. The philosophy of the joint resolution is that, insofar as the legislature can establish them, the seaward boundaries of those States will be established by this resolution.

RIGHTS OF CITIZENS IN LANDS PROTECTED

The Senator from Oregon cannot say that as a result of the enactment of the pending measure the exterior boundary will always be as here established, since it may vary because of a change in coastline in 150 years. He does state categorically that this language confirms to the States affected everything to be transferred or released by the Federal Government under the terms of this measure. It leaves the United States in the position of having expressly conveyed and released to the original 13 States all the natural resources and lands beneath navigable waters out to the extent of the 3-mile line. The language thereby validates all the States have done in transferring to their citizens portions of the land in this area.

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I am very happy to yield to the Senator from Florida.

Mr. HOLLAND. Is it not a fact that this is the amendment which was requested by the able attorney general of the State of New York, Mr. Goldstein, as being in his opinion necessary to prevent subsequent ratification of the many deeds which have been given by the State of New York and by other original States to units of Government and also to private parties in the many years since our Nation was established?

Mr. CORDON. That was the request made by the attorney general of New York, and the reasoning is found in his letter, which is printed in the hearings of the committee, beginning at page 921.

Mr. HOLLAND. I thank the Senator from Oregon.

Mr. CORDON. The Senator from Oregon may say in passing that under the rules of law, with which the attorney general of New York, of course, was fully familiar, this language would operate to confirm, in the present holders, titles coming down from original grants by the States.

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield so that I may make a brief statement on this point, relative to negotiations which I had with the senior Senator from New York, who is not in the Chamber, which may throw some light on this subject?

Mr. CORDON. The Senator from Oregon will be happy to yield for that purpose if it advances the understanding of the joint resolution now pending before the Senate.

Mr. HOLLAND. Mr. President, the Senator from New York [Mr. IVES] brought to the Senator from Florida a communication from the attorney general of New York which, in substance, was to the effect that in the event the State of New York had to proceed under the provisions of the original bill and amend its constitution so as to reach out 3 geographic miles into the sea there would be at least the question raised whether the State would have to go back and confirm all of the many patents and conveyances which it had given since the foundation of the Union; and that he thought such a possibility would be completely obviated by the adoption of this additional provision in the joint resolution.

Subsequent thereto, at the request of the Senator from New York [Mr. IVES], the attorney general of New York wrote to the distinguished chairman of the subcommittee and also to the Senator from Florida. Upon making a study of the subject it appeared to the Senators who were working on the joint resolution at the time that the point was well taken. It appeared to all of us that the suggestion does not depart in any way from the philosophy of the joint resolution under which all of the Thirteen Original States would have had authority, if they had not done so already—as many of them had—to extend their boundaries 3 geographic miles into the Atlantic, and that such provision would give them authority to do

so. The admission of that right, by the fixing of the line out that distance in this way in this joint resolution, at this time, would, in the opinion of the attorney general of New York, greatly lessen the labors of the various States, and erase any possibility of questions arising on titles which New York, and perhaps other Original States, have conveyed since the foundation of the Union.

Mr. CORDON. The statement of the Senator from Florida is in full accord with the history of this portion of the joint resolution as understood by the Senator from Oregon.

On page 17 of the joint resolution the next declaration under section 4 reads:

Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coastline, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries—

That provision would appear to be self-explanatory, except perhaps as to the last clause, namely—

or any other body of water traversed by such boundaries.

That provision is included in the sentence because of a situation such as the one which exists in the State of Washington, where a portion of the international boundary between the United States and Canada follows the thread of the channel of the Straits of Juan de Fuca. It may be that the extension of the State's boundary there might go somewhat beyond 3 miles. In any event, its boundaries would be coterminal with the boundary of the United States along that international boundary line.

CLAIMS TO 3-MILE BOUNDARY CONFIRMED

The next provision is:

Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line.

Mr. President, there is here spelled out the purpose of Congress to confirm the extension of boundaries or any action taken in an intent to extend the boundaries or any action taken in an intent to extend the boundaries in the past, so far as the 3-mile limit is concerned. There is also spelled out that that confirmation is without prejudice to any claim the State might have, if it has any, to a boundary beyond that. In other words, this joint resolution does not affect that area. It confirms the extension of a boundary, by whatever action taken that would show that intention, out to the 3-mile limit.

The next provision is:

Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

Again, that is a spelling out of the fact that this joint resolution does not in any way question or attempt to prejudge the claim of a State, such as Texas or Florida, which claims rights beyond the 3-mile limit. That is a matter which is not sought to be resolved in this joint resolution.

Mr. HILL. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield to the Senator from Alabama.

Mr. HILL. Would that language apply to a State, with reference to any claim which might have been made when the State was a colony, before it became a State?

Mr. CORDON. It would.

Mr. HILL. In other words, if it had made a claim as a colony, before it became a State, this language would apply to the claim it made when it was a colony. Is that correct?

Mr. CORDON. It would not apply to a claim so made; the language means that the existence of a boundary line provided by the constitution or laws of the State will not be prejudged. So a claim not reduced to a law or to a constitutional provision would not be included within this language.

Mr. HILL. Mr. President, will the Senator from Oregon yield further to me?

Mr. CORDON. I yield.

Mr. HILL. I find that even as far back as 1691, Massachusetts, under its charter, claimed all islands and islets within 10 leagues. Would this language take care of that claim, namely, to all islands and islets within 10 leagues?

Mr. CORDON. Frankly, I do not know. I was not familiar with that situation. When I do not know, I am very frank to say so.

Mr. HILL. Yes; the Senator from Oregon is very frank.

Then is it not true that we get back to the proposition that we do not know where these boundary lines are? We do not know where they are or what they are, do we?

Mr. CORDON. There has never been any question about what they are. We know what they are, but not where they are.

Mr. HILL. Do we know what they are?

Mr. CORDON. Yes; they are the boundaries of the States.

Mr. HILL. In the case of Massachusetts its boundary includes the islands and islets withn 10 leagues. That would be approximately 30 miles out, which is quite a distance, would it not?

Mr. CORDON. I am not prepared to discuss that matter. When I come on the floor to discuss a bill, I hope to be prepared to discuss it in detail. However, I am not prepared to discuss that particular matter, which arises, as the Senator from Alabama has said, as I understand under a colonial charter.

Mr. HILL. Yes, under the colonial charter of Massachusetts.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a further question?

Mr. CORDON. I yield.

Mr. DOUGLAS. In 1611, Virginia passed a statute claiming jurisdiction over the seas for 300 leagues, which would be approximately 1,000 miles beyond the shore. Is the title of Virginia for 1,000 miles into the ocean confirmed by this joint resolution?

Mr. CORDON. So far as I am concerned, I make the same answer that I made to the Senator from Alabama: I will check into that matter, and will report my views on it.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a further question?

Mr. CORDON. If it be another question of the same character, it will be reiteration.

Mr. DOUGLAS. But will the Senator from Oregon yield for a question?

Mr. CORDON. I yield for a question that is not reiteration.

Mr. DOUGLAS. Would the Senator from Oregon be interested in the claims of the State of New Hampshire or of the Colony of New Hampshire?

Mr. CORDON. I will investigate the claims of all the Original Colonies. The resolution confirms to the Original Colonies a boundary line 3 miles from their coast lines; and a careful study of the joint resolution may indicate that that is the limit of the benefits conferred upon them in fact.

Mr. DOUGLAS. Would the Senator from Oregon be interested in the fact that in 1635, New Hampshire claimed jurisdiction over the seas lying within 100 miles of the shore?

Mr. CORDON. I will not be interested in further reiteration. The question has been asked, and the principle has been established. I have very frankly indicated that I shall have to report on it later; and I do not desire any further discussion, and will not engage in any; and if I find that inadvertently I become engaged in any, I will not continue it.

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield to me?

Mr. CORDON. I yield.

Mr. HOLLAND. I should like to insert at this point the statute of the State of Massachusetts which fixes Massachusetts' claim to the actual boundary. I wish to make this insertion for the information of those who read the RECORD, if I may do so.

Mr. CORDON. Very well.

Mr. HOLLAND. This is the latest assertion by Massachusetts statute—made some years ago—of her territorial limits:

The territorial limits of this Commonwealth extend 1 marine league from its seashore at extreme low-water mark. If an inlet or arm of the sea does not exceed 2 marine leagues in width between its headlands, a straight line from one head land to the other is equivalent to the shoreline.

That is the assertion of territorial boundary now operative by Massachusetts law in that Commonwealth.

Mr. CORDON. That would appear to answer the question submitted by the Senator from Alabama, and I suspect there will be like answers to the similar questions. However, when I am not informed upon a subject of this character, I do not desire to speculate and to submit speculation as an adequate answer.

The next provision we are considering is section 5.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for further questions with regard to the last sentence of section 4?

Mr. CORDON. If the questions are germane, and not reiteration, I shall be glad to yield.

Mr. DOUGLAS. I should like to have the Senator from Oregon interpret the meaning of the phrase—

Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles—

And so forth. If there is nothing in this section that questions such a boundary, and nothing that prejudices it, is it the understanding of the Senator that this phrase confirms it?

Mr. CORDON. It does not confirm; neither does it question or prejudice. That, I think, is perfectly clear. It ends the matter. We are now on section 5, Mr. President.

Mr. DOUGLAS. I do not wish to be cantankerous——

Mr. CORDON. Mr. President, I ask for the regular order. I have answered the question.

Mr. DOUGLAS. I should like to ask another question regarding the last sentence.

The PRESIDING OFFICER. The regular order is requested. The Senator from Oregon has the floor.

Mr. CORDON. I yield for the next question.

The PRESIDING OFFICER. The Senator from Oregon yields to the Senator from Illinois.

Mr. DOUGLAS. I should like to ask the interpretation of these alternatives:

Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union.

Is it the understanding of the Senator from Oregon that either one of these conditions—prior to, or at the time of entry into the Union—governs?

Mr. CORDON. Not governs; either one of them comes within the provisions of the sentence.

Mr. DOUGLAS. So that if a State, at some time prior to entering the Union, had in its constitution a provision for 3 leagues, and, at the time it came in, had only 1 league, then the State could properly claim the 3-league boundary?

Mr. CORDON. That conclusion, of course, does not follow at all. This joint resolution does not prejudice the matter, nor does it repeal an ordinary law that would determine it.

Mr. DOUGLAS. I asked if under the joint resolution "the State could properly claim it."

Mr. CORDON. The State may claim anything properly, but it would not necessarily follow that it was claiming it legally.

EXCEPTIONS OF CERTAIN FEDERAL AREAS

I read:

SEC. 5. Exceptions from operation of section 3 of this joint resolution: There is excepted from the operation of section 3 of this joint resolution—

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the law of the State or of the United States, and all lands which the United States lawfully holds under the law of the State; all lands expressly retained by or ceded to the United States when the State entered the Union; all lands acquired by the United States by eminent domain proceedings, purchase, cession, gift, or otherwise in a proprietary capacity; all lands filled in, built up, or otherwise reclaimed by the United States for its own use; and any rights the United States has in lands presently and actually occupied by the United States under claim of right.

The provisions of this section were, I believe, discussed somewhat at length yesterday, so the Senator from Oregon will not again go over them unless there is some question with respect to any one of them specifically. The Senator from Oregon only wants to say with reference to the exceptions set forth in the section that they were to a great extent urged and recommended by the Department of Justice, and approved by it, as affording ample protection for properties of the United States which should not be affected by this joint resolution.

INDIAN RIGHTS PROTECTED

Subparagraph (b) on page 18, which is included in the exception, reads:

Such lands beneath navigable waters held, or any interest in which is held by the United States for the benefit of any tribe, band, or group of Indians or for individual Indians.

The original language was amended by the committee upon recommendation of the Justice Department to broaden the type or classes of lands held for the benefit of Indians so as to include lands other than those held in a purely trust capacity by the United States.

Subparagraph (c), the last exception, reads:

All structures and improvements constructed by the United States in the exercise of its navigational servitude.

That exception is merely included through an abundance of caution, as it unquestionably is included in the exceptions under the provision excepting powers under the commerce clause.

POWERS RETAINED BY THE FEDERAL GOVERNMENT

I continue reading from the joint resolution:

SEC. 6. Powers retained by the United States: (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution.

That paragraph, Mr. President, spells out an exception from this joint resolution and leaves unimpaired, as they would have to be left unimpaired, the paramount rights of the Government of the United States, under its Constitution, to control commerce and thereby to regulate navigation, provide for the common defense, and conduct international affairs. The provision differentiates and excepts from the paramount rights enumerated in its proprietary rights in the areas affected. It provides that these proprietary rights shall exist independently of, but be subordinate to the paramount rights possessed by the Federal Government, namely, those of regulation of commerce, provision for the common defense, and conduct of international affairs.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. CORDON. I shall be glad to yield for a question.

Mr. MURRAY. Am I to infer, then, from the Senator's statement, that the United States would have no proprietary rights of ownership or rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, vested, and assigned to the respective States? In other words, the States are given, are they not, exclusive ownership, jurisdiction, and right to use and develop the resources within that area?

Mr. CORDON. Within their boundaries, such rights are confirmed to the States. But I am sure the Senator from Montana understands, there remains the overriding, the paramount right of the United States to do whatever is necessary for the control of commerce and of navigation, as a part of its constitutional right to regulate commerce. The same is true with respect to whatever the Federal Government may have to do to provide for the common defense, and whatever is necessary in connection with its conduct of foreign relations. Those rights are paramount to the proprietary rights of the States. The section merely seeks to recreate, and in the opinion of the Senator from Oregon, does recreate in law the condition which existed in fact since the beginning of the Nation up to the decision in the California case.

Those proprietary rights were enjoyed by and exercised by the States, and the belief was that they were owned by the States, up to the time of the California decision. The overriding and paramount rights of the United States existed through all those years. Their existence was never questioned. This joint resolution seeks to establish, by law, the same type of proprietary right in the States that they had possessed in fact, and leaves the paramount right of the Government unaffected, just as it has been in the past.

Mr. MURRAY. My advice, from legal experts, in the Department of the Interior, is to the effect that the proviso which appears at the bottom of page 18, namely "shall not be deemed to include" certain rights which will prevent the Federal Government from entering upon a river to undertake control of floods, the development of hydroelectric power, and reclamation within areas affected.

Mr. CORDON. I regret that any competent lawyer has ever expressed such a view in the light of the plain provisions of the resolution. The rights of the Federal Government referred to by the Senator from Montana have been expressly excepted from any effect by the resolution. I shall read in a moment a further exception. If such an opinion is held by others, then the Senator from Oregon can only say he disagrees with them 100 percent, and the majority of the committee disagreed with them when it reported the bill.

Mr. MURRAY. Is it the Senator's opinion that if the resolution with this language is adopted it will not mean the United States Government would be excluded from the right to enter upon a river and undertake flood-control activities and the construction of power plants and reclamation programs?

Mr. CORDON. The Senator from Montana is correct. The rights in the field of flood control and the generation of electric power are incident to the right to control commerce. They are a portion of the powers of the Government to regulate navigation under its constitutional authority. They are incidents of it, and those rights are expressly reserved. So that it is unthinkable that any lawyer reading this section would say it had an overriding effect so far as priority rights of the Federal Government are concerned.

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield.

Mr. HOLLAND. I understand the exceptions set forth in section 5 also specifically apply to section 6, and those exceptions once made in the resolution apply to all provisions of the resolution.

Mr. CORDON. Of necessity, when we read the resolution in its four corners we must give effect to all.

On page 19, paragraph (b) provides that:

> In time of war or when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

In my opinion, that section is to some extent surplusage. Such rights exist, and there is nothing intended or expressed in the resolution to take them away, but they have been spelled out as a matter of precaution.

Mr. HUMPHREY. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield.

Mr. HUMPHREY. In view of the Senator's explanation of paragraphs (a) and (b), in section 6, "Powers Retained by the U. S.", is it the Senator's opinion, that the Executive order of former President Truman, placing these reserved lands and the resources thereof in what is known as a naval oil reserve, would come within the intent of this language?

Mr. CORDON. Whatever power exists for the purposes set forth is unaffected by anything contained in the resolution.

Mr. HUMPHREY. In other words, the Senator is acknowledging the paramount rights of the Federal Government?

Mr. CORDON. That is correct—in the fields mentioned, commerce, common defense, and international relations. These are all paramount rights.

Mr. HUMPHREY. Did I correctly understand the Senator to say a moment ago that insofar as navigable rivers are concerned, the development of flood-control facilities and hydroelectric facilities is incidental to the control of navigation?

Mr. CORDON. That is correct.

Mr. HUMPHREY. Therefore, I should like to ask this question: If the development of hydroelectric facilities and flood-control facilities, which, of course, speaking in terms of engineering, has some relationship to the floor of the riverbed, or the land under the water, is incidental to the control of navigation, is it not true, therefore, that under the interpretation which the Senator from Oregon has made of section 6, it gives the United States paramount rights in the field of navigation and national defense, incidentally a part of the control of the seabed would go along with the control of the water itself?

Mr. CORDON. I do not quite follow the Senator.

Mr. HUMPHREY. Maybe I can make my question plainer.

If the Federal Government has control of navigation rights in a navigable river and, incidentally, has jurisdiction over the development of flood-control projects, which projects, of course, necessitate the use of land——

Mr. CORDON. What land?

Mr. HUMPHREY. The land on the bottom of the river. A project could not be constructed without coming in contact with the soil.

Mr. CORDON. Any flood-control project comprehends the rentention of water behind a dam, and flowage rights must be acquired as to any area back of the dam, the area on which the dam is located, and the area of the stream itself which is below the navigable water. The superior right of the Government, under the commerce clause of the Constitution, is the basis of its authority to build dams to hold back water and to use the power incidentally generated as a result of the complete operation. That same authority applies to navigable waters beyond low-water mark out to the boundaries of the State for the purposes mentioned—navigation, common defense, and international affairs.

Mr. HUMPHREY. Does the Senator state that the Federal Government has jurisdiction, for purposes of national defense, commerce, and navigation in the open sea—and that is what we are talking about——

Mr. CORDON. The Senator from Oregon is answering questions as to areas within State boundaries, and if the Senator from Minnesota now desires to discuss matters outside State boundaries, he is presuming on my time.

Mr. HUMPHREY. Does the Senator think the Federal Government has jurisdiction of the open sea?

Mr. CORDON. Where in the open sea?

Mr. HUMPHREY. Of the water of the open sea.

Mr. CORDON. So far as the question goes to the open sea, beyond the boundary lines of the State, I am not entertaining such questions, for they are without the purview of the resolution.

Mr. HUMPHREY. Does the Senator believe the Federal Government has paramount rights in the waters beyond the ebb and flow of the tides in what are commonly known as the open seas?

Mr. CORDON. Without question up to the boundary line of the State the Federal Government has a qualified right for the purposes of civil protection and patrol.

Mr. HUMPHREY. Within what is known as the 3-mile limit, does the Senator agree that the Federal Government has paramount rights in terms of national defense, navigation, and commerce?

Mr. CORDON. Yes.

Mr. HUMPHREY. It certainly does.

Mr. CORDON. That is correct.

Mr. HUMPHREY. Just as the Federal Government has paramount rights in the navigable waters of a navigable river. Is that correct?

Mr. CORDON. That is correct.

Mr. HUMPHREY. Is it not correct that the Senator from Oregon has said that incident to Federal control of the navigable waters of rivers is the right of Federal control of navigation, national defense, and commerce?

Mr. CORDON. Not quite. Reclamation is on a different basis.

Mr. HUMPHREY. Very well. Let us say hydroelectric generation, and flood control.

Mr. CORDON. Flood control and hydroelectric generation are incident to and a part of the paramount right of the Government under the commerce clause. The Senator is correct.

Mr. HUMPHREY. In view of his statement as to paramount rights in navigable rivers and incidental rights in terms of flood control and hydroelectric power, does the Senator say, therefore, that there are no rights incidental in the 3-mile limit, if I may put it that way, in the open sea?

Mr. CORDON. No, I do not say that. I say that the paramount rights of the Federal Government under the commerce clause pertain to the power and duty of the Federal Government to care for the national defense or international affairs. They are paramount in that area.

Mr. HUMPHREY. In the waters. Is that correct?

Mr. CORDON. Certainly.

Mr. HUMPHREY. Therefore, is the Senator saying that the paramount rights carry with them also incidental powers in relationship to the land on the ocean bottom?

Mr. CORDON. There is no question whatsoever about the overriding servitude of the paramount powers for the purpose of their execution.

Mr. HUMPHREY. In terms of control by the Federal Government over those areas.

Mr. CORDON. For those purposes, I agree with the Senator from Minnesota.

Mr. HUMPHREY. For purposes of national defense, for purposes of commerce, and for purposes of navigation.

Mr. CORDON. The Senator is correct.

Mr. HUMPHREY. Then, my question is this: If the oil reserves or gas reserves to be found in the seabed—on the floor of the sea—are vital to the national defense, and if Congress or the President finds such reserves to be vital to the national defense, would that be within the purview of the joint resolution which the Senator is discussing?

Mr. CORDON. It would not.

Mr. HUMPHREY. It would not?

Mr. CORDON. It would not.

Mr. HUMPHREY. Then, how would one determine that the national defense would be served in any way by section 6?

Mr. CORDON. It would all depend on one's view as to what should be done to preserve the national defense. There are ships that float in the sea; there are sundry mines that are located under the sea; there are sundry structures of various types. All the things which exist along the coast of any nation for its protection would be deemed to be matters under the control of the Federal Government under its obligation to protect and defend the people of the country.

Mr. HUMPHREY. I think the Senator from Oregon and I can both agree upon that analysis. Let me take the Senator from Oregon another step. Does he believe that natural resources, which might be of the utmost importance to the ability of the Nation to wage successful warfare in its defense, are also within the purview of the language of the Constitution which pertains to the common defense.

Mr. CORDON. As to the ownership of them, the Senator from Oregan does not. The natural resources of the United States are all available to the Government of the United States for the national defense. This country is committed to the philosophy of private ownership. It has been built upon it. The Constitution, which the Senator, among others, supports, provides that anything needed by the Federal Government for any of the purposes aforesaid may be acquired by the Government if it pays those who own it a reasonable price therefor, but it may take it with or without the owner's consent.

Mr. HUMPHREY. Then, am I to understand that the Senator's proposition is that insofar as waters are concerned, together with the navigation, commerce, and defense factors in connection with the use of the waters, they are within the paramount right, control, and responsibility of the Federal Government?

Mr. CORDON. The Senator is correct.

Mr. HUMPHREY. In other words, wherever an item of cost is involved and whenever a duty is to be performed for the common defense, that is the responsibility of the Federal Government?

Mr. CORDON. If the Senator is attempting to say that it is the view of the Senator from Oregon that, in order to provide for national defense, it is necessary to pay for it, the Senator from Oregon agrees that it is necessary. For a long time there has been a budget for national defense.

Mr. HUMPHREY. Insofar as the waters, and any cost incident thereto in connection with the defense of the country are concerned, the responsibility is that of the Federal Government; but the area on which the water stands, namely, the seabed, which may yield some treasure, and which may be of use in providing for the common defense, is not within the purview of common defense?

Mr. CORDON. The Senator from Minnesota is making his argument through a line of questions, which the Senator from Oregon will answer. For the same reason that in the Senator's State of Minnesota the lands beneath the thousand navigable lakes belong to the State of Minnesota, and may or may not contain treasures in vast amounts, for the same reason that the lakes and rivers in all the 48 States likewise may contain vast treasures, and for the same reason that those treasures are deemed to be owned by the States within which they lie, it is the view of the Senator from Oregon that like ownership should in good conscience and equity extend to the maritime States to the extent of their boundary lines.

It happens that with reference to three of these States there are known to be some values in oil.

By some persons the word "principle" is spelled with the last syllable as "pal," but the Senator from Oregon does not indulge in that philosophy.

Mr. HUMPHREY. In other words, the Senator from Oregon would like to have us believe that there is a similarity—in fact, an identity—between an inland lake within the geographical, terra firma, boundaries of a State, and the open sea. He would like to have us believe, am I to understand, that a lake, from which nice northern pike can be taken, is identical to the open sea in the Gulf of Mexico or the Pacific Ocean or the Atlantic Ocean?

Mr. CORDON. The analogy is so plain that the rest of the question is not worth answering.

Mr. HUMPHREY. I thank the Senator.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. CORDON. I yield to the Senator from Texas.

Mr. DANIEL. Is it not true that that was exactly the analogy which was made by the Supreme Court of the United States, when it held that the States owned the lands beneath the Great Lakes, an analogy that they are actually open seas, and that there is no reason for State ownership of submerged lands to apply along the borders of the sea, and not apply beneath the waters of the Great Lakes? Is not that correct?

Mr. CORDON. It is so clear that it does not need argument. It is not necessary to compare northern pike with striped sea bass in order to reach the conclusion.

Mr. DANIEL. I should like to read into the RECORD one sentence from the decision of the Supreme Court in the case of *Illinois Central Railroad Co.* v. *Illinois* (146 U. S. 387), which had to do with State ownership of the bed of Lake Michigan by the State of Illinois. The Court said:

> We hold, therefore, that the same doctrine as to the dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies, which obtains at the common law as to the dominion and sovereignty over and ownership of lands under tidewaters on the borders of the sea.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CORDON. The Senator from Oregon feels that the matter has been fairly well covered, but he will yield for one more question, if the Senator from Minnesota desires to ask one more.

Mr. HUMPHREY. Before the Senator from Oregon gives his official nod to the rejoinder of the Senator from Texas, I hope he listened very carefully to his remarks, because what the Senator from Texas has pointed out insofar as the Great Lakes were concerned is that they were as the tidelands. Is not that correct?

Mr. DANIEL. Mr. President, will the Senator from Oregon yield?

Mr. CORDON. I yield.

Mr. DANIEL. The decision does not say that.

Mr. CORDON. Mr. President, I cannot yield for this sort of dialog, and I therefore ask for the regular order. I feel certain that the Senator from Minnesota realizes that he will have adequate time in which to expound his views at length, and I hope he will do so.

Mr. HUMPHREY. I shall do so.

Mr. CORDON. From time to time we may get into another discussion. In any event, the RECORD will carry fully the Senator's views.

WATER LAWS EXCEPTED

On page 19, section 7 reads as follows:

> SEC. 7. Nothing in this joint resolution shall be deemed to amend, modify, or repeal the acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto.

There appears in the committee's report a brief explanation of each of those acts, and the Senator from Oregon will not burden this discussion with any further statement except to say that all the acts referred to provide for the consumptive use of water in the arid areas of the United States. Therefore the joint resolution expressly excepts those acts from modification in any way.

The act of June 17, 1902, is the basic reclamation law, and the act of December 22, 1944, is the Flood Control Act of 1944, which sets up the basic philosophy of the prior right for consumptive use of waters in the western land States.

"SAVINGS CLAUSE" ADDED

Section 8 of the joint resolution provides as follows:

> SEC. 8. Nothing contained in this joint resolution shall affect such rights, if any, as may have been acquired under any law of the United States by any person in lands subject to this joint resolution and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing contained in this joint resolution is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this joint resolution, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this joint resolution.

I believe this language makes clear the purpose of the section. It is to protect rights, if any rights exist, which have attached to these lands by virtue of prior Federal law. It provides that any claimant to such rights shall have his day in

court, unaffected by anything in this legislation. It neither admits nor denies, enlarges or abridges, any such right.

PRESIDENTIAL PROCLAMATION CONFIRMED AS TO OUTER SHELF

Section 9 of the joint resolution, on page 20, provides as follows:

SEC. 9. Nothing in this joint resolution shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 2 hereof, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed.

The Department of Justice and the Department of the Interior, speaking for the administration, requested that there be a constitutional confirmation of the rights in favor of the United States set out in the Presidential proclamation of 1945. The purpose of section 9 is to do just that.

The request also was for an additional title in Senate Joint Resolution 13 implementing this proclamation. When the committee had an opportunity carefully to consider the legal aspects of this question, it was apparent that we had a sizable problem in that one field. The legal situation created by the proclamation and its confirmation is new to American law, and the committee left legislation for implementation of the proclamation and its confirmation to be presented later, after a more thorough study of the legal and technical aspects of the problems presented by the outer Continental Shelf.

EXECUTIVE ORDER REVOKED IN PART

Section 10 simply revokes Executive Order No. 10426, dated January 16, 1953, entitled "Setting Aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve," insofar as the lands within State boundaries which are the subject matter of this joint resolution are concerned.

Section 11 is a separability clause spelled out in meticulous detail.

The remainder of the committee amendment is necessitated by the confirmatory provisions of section 9.

Mr. President, I hope that this explanation, if it does not aid toward an understanding of the joint resolution, will at least not cause greater confusion.

I yield the floor.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 4130) to amend title V of the Department of Defense Appropriation Act, 1953, so as to permit the continued use of appropriations thereunder to make payments to ARO, Inc., for operation of the Arnold Engineering Development Center after March 31, 1953, and it was signed by the Vice President.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. HOLLAND. Mr. President, the hour is late, and I understand from the distinguished majority leader that there are other Senators who wish to speak at less length than I would be required to speak in order to make the remarks that I had prepared to make at this time.

Therefore, Mr. President, if it meets with the pleasure of the Senate I hope the Senate will grant unanimous consent that I may begin my principal speech on Tuesday, and that for that purpose I may be recognized then as having the floor. I understand the Senate will resume debate on this measure on Tuesday. If such consent is granted I shall confine myself at this time to a brief discussion of one of the tables which is incorporated in the hearing record. It was referred to in the colloquy this afternoon between the Senator from Vermont [Mr. AIKEN] and the Senator from Oregon [Mr. CORDON], and in the colloquy between the Senator from Illinois [Mr. DOUGLAS] and the Senator from Oregon [Mr. CORDON].

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The Chair understands that the Senator from Florida asks unanimous consent to commence his first speech on the pending joint resolution on Tuesday next, and that he be recognized at that time.

Mr. HOLLAND. That is my request, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I believe it would be profitable to all concerned if we had a brief additional discussion of the table, which was discussed in some detail during the debate this afternoon. I refer to table II, printed at the top of page 570 of the hearings. In order to fully understand the table it is necessary to read the paragraph at the top of page 568.

I should like to advert to that table and to the said paragraph at this time for a brief discussion.

First, Mr. President, I wish to call attention to the fact that both the discussion in the paragraph at the top of page 568 and the table printed at the top of 570 are portions of the evidence presented by Mr. H. G. Barton, Chief, Oil and Gas Leasing Branch, Conservation Division, United States Geological Survey, Department of the Interior. I understand that in no sense was this witness a partisan witness to any point of view in this controversy, but that, instead, he was seeking to give the committee the very latest information which was available in his office, he being the head of the office which is charged with the performance of duties in this field for the Federal Government.

With that explanation, Mr. President, I invite attention to the fact that the paragraph at the top of page 568 makes it clear—and I shall read that paragraph—that table II deals with the very point brought out by the Senator from Illinois [Mr. DOUGLAS] and the Senator from Vermont [Mr. AIKEN], which is as to whether or not the rentals and royalties impounded should all be deliverable to the States, in the event of passage of the pending measure or whether portions of said funds shall be delivered to the States and portions of them to the Federal Government.

The paragraph at the top of page 568 reads:

Table II shows revenues, segregated by rentals and royalties, received and impounded by the United States pursuant to (1) the stipulation of August 21, 1950, by the Attorney General of the United States and the attorney general of California and (2) the notice of the Secretary of the Interior dated December 11, 1950, for Louisiana and Texas. Where the traditional State boundaries bisected a lease, rental payments were proportioned on an acreage basis. Royalties were proportioned on the basis of actual well locations. The data for this table were supplied by the Accounts Section, Office of the Secretary of the Interior.

Turning, then, to table II, it will be noted that table II covers, in the case of the revenue from the States of Louisiana and Texas, a period of approximately 25 months, from December 11, 1950, to January 16, 1953; whereas, in the case of California, the period of time covered is 24 months.

Those periods of time are set out in the note appearing under the table as note No. 1. I ask unanimous consent that table II be incorporated in my remarks as a part thereof.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—*Revenue*

State	Rentals		Royalties		Totals		Total revenue in State
	Landward of traditional State boundaries	Seaward of traditional State boundaries	Landward of traditional State boundaries	Seaward of traditional State boundaries	Landward of traditional State boundaries	Seaward of traditional State boundaries	
Louisiana	$1,310,471.58	$8,560,629.47	$2,566,447.71	$2,486,817.96	$3,876,919.29	$11,047,447.43	$14,924,366.72
Texas	285,388.00	143,350.00	62,700.70	----------	348,088.70	143,350.00	491,438.70
California [2]	----------	----------	19,868,398.94	----------	19,868,398.94	----------	19,868,398.94
Total	1,595,859.58	8,703,979.47	22,497,547.25	2,486,817.96	24,093,406.83	11,190,797.43	35,284,204.36

[1] This table shows (1) for Louisiana and Texas, all moneys received and impounded by the United States from Dec. 11, 1950, to Jan. 16, 1953; and (2) for California, all moneys received pursuant to the stipulation of Aug. 21, 1950, from Oct. 1, 1950, through Sept. 30, 1952. Data supplied by Accounts Section, Office of the Secretary of the Interior.

[2] No breakdown between rentals and royalties available for California. However, the amount of rentals is only a very small percentage of total revenue.

Mr. HOLLAND. Mr. President, Senators will observe from a reading of the table that the records kept as to all areas involved here are broken down, both with reference to the rentals and royalties which have been received, as between the areas within the States and the areas outside the States.

Before we go into this subject, it might be well to say that the situations in California on the one hand, and in Louisiana and Texas on the other hand, are different by reason of the nature of the operations. In the case of California, there was a stipulation entered into between the Department of Justice and the attorney general of California. In the case of Louisiana and Texas no such stipulation was entered into, but a publice notice was issued, in the nature of a proclamation or executive order of the Secretary of the Interior, which prescribed the terms and conditions upon which production could continue in the off-shore areas adjoining Louisiana and Texas.

By reference to the table itself it will appear that as to rentals, for instance, the rentals received in the offshore areas of Louisiana are broken down into two amounts, one of them being receipts from rentals landward of traditional State boundaries, which are shown by the table as $1,310,471.58, and the other being receipts from rentals seaward of traditional State boundaries, which are shown as $8,560,629.47.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. What interpretation does the Senator from Florida give to the phrase "traditional State boundaries" in the case of Louisiana? The table shows in one column figures under the heading "landward of traditional State boundaries" and in a separate column figures under the heading "seaward of traditional State boundaries." Is it 3 miles, or 27 miles out into the Gulf? Is the measuring point or the dividing line used in this table the 3-mile limit, or is it the limit which was fixed by act of the Louisiana Legislature, which purports to take the boundary 27 miles out from the shore? I believe that act was passed by the Louisiana Legislature in 1938.

Mr. HOLLAND. Mr. President, I will say to the Senator from Illinois that the Senator from Florida was shown a map upon which this distribution was based. It was a map prepared either by the Secretary of the Interior or by the appropriate subdivision of his office. It showed a line drawn upon the map extending substantially 3 miles offshore.

Of course, with reference to the State of Louisiana, there are many complicated questions involved, and the Senator from Florida does not pretend that either the Federal Government or the State of Louisiana would be entirely pleased by the location of that line, but there had to be an administration of this particular subject matter while the production was going on, and so the line was drawn. The map was produced. The map shows the location of the various producing wells which enter into this computation in the case of Louisiana. Although I had nothing at all to do with the allocation of the amounts collected, I take it for granted that in this table the Secretary of the Interior endeavors to follow accurately the allocation made by that map.

Mr. DOUGLAS. That is, with the 3-mile limit as the dividing line?

Mr. HOLLAND. Yes; the 3-mile limit.

So, from an inspection of the table, it will appear again that, at least in the case of Louisiana, there are larger rent-producing leased areas outside the line drawn and followed, at least for this purpose, than there are inside the limits.

Similarly, with reference to royalties, in the next compilation it will appear that royalties received from the offshore lands of Louisiana are divided into two amounts, one of which is the amount received from production from operations landward from the line of which I have already spoken, which was $2,566,000-plus; and the other amount, royalties received from production from operations seaward or outside the line of which I have spoken, and that amount is $2,486,-000-plus.

In the next compilation will appear the totals for the State and for the Federal Government operations, or the totals that came from those operations in the Louisiana areas. When I say "the Louisiana areas," I mean the areas offshore Louisiana. It will appear that the total of rentals and royalties accumulating during that 25-month period from operations in areas landward of traditional State boundaries was $3,876,000-plus; and the similar total accumulating from operations in the areas seaward of traditional State boundaries was $11,047,000-plus.

So I think it is rather clear just what the operation has produced in those offshore areas in Louisiana, at least as reported by this Federal agency under this table. Of course, I am assuming that the compilation is correct, and I have already stated my understanding of the basis upon which the compilation was made.

In the last analysis, neither side might be completely satisfied with the location of this line; and there might be difficulties as to some of these producing wells, or there may be no difficulties at all. It may be that the line was so fixed in the beginning as to have met the interim positions of both the State authorities and the Federal authorities. I have no information on that point.

In the case of Texas, the amounts received are very much smaller. I shall not read them, except in their totals in the third column, where it is shown that for the 25 months in question the total amounts collected in Texas from operations in areas landward of traditional State boundaries was $384,000-plus; and in the case of areas seaward of traditional State boundaries, $143,000-plus.

Mr. DOUGLAS. Mr. President, will the Senator from Florida yield again for a question?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. What is the understanding of the Senator from Florida of the definition of traditional State boundaries in this table in the case of Texas? Does he understand it to be 3 miles or 10½ miles?

Mr. HOLLAND. In the case of Texas, the traditional boundaries are 3 leagues from the coast.

Mr. DOUGLAS. That is 10½ miles, is it not?

Mr. HOLLAND. Yes. However, again I wish to say what I said on the floor yesterday and what I am sure is the case under this joint resolution, namely, that the joint resolution does not fix boundaries.

Mr. DOUGLAS. But the Senator from Florida is discussing the meaning of boundaries in the table, not the joint resolution, for the moment.

Mr. HOLLAND. Yes, I am discussing the table, for the moment; and at another place in the report it is stated very clearly that this is the basis on which the compilation is made.

Mr. DOUGLAS. The 10½-mile limit or the 3-league limit is treated, for purposes of this compilation, as the limit for Texas?

Mr. HOLLAND. That is correct.

I suppose there is no better time than this to try to clear up the difficulties in respect to the different terms of measurement of distance which have been used. Unfortunately, in all this discussion there have been references to two kinds of miles. One is the land mile or English mile or statutory mile—sometimes it is called one, and sometimes another—which is 5,280 feet, wherever we find it used. The other mile is the marine mile or geographic mile or sea mile or nautical mile; and it is a variable distance, depending upon where on the earth's surface that mile is measured. For purposes of the record, I think it would be well to state here the definition of that mile. The geographic mile or nautical or sea mile is the length of a minute of latitude, or 1/21,600th of a great circle of the earth; or officially in Great Britain it is 6,080 feet, and in Great Britain it is called the admiralty mile. In the United States, it is an average distance of 6,080.20 feet. In other words, a great circle would go through both poles and around the earth, and of course the earth does not happen to be an exact sphere. Thus, an angle of 1 minute at the center of the earth would subtend a little different arc on the great circle at different points of latitude. For use in the United States and in evaluations of the distance covered by a marine mile in the latitudes of the United States, the distance is 6,080.20 feet.

Mr. DOUGLAS. It is roughly equivalent to 1.154 land miles; is not that correct?

Mr. HOLLAND. The Senator from Illinois is correct.

That means that when we come to consider the term 1 league, or 3 miles, it is the equivalent of approximately 3.45-plus land miles, and is generally referred to as 3½ miles. Roughly, that is close enough to be correct.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. When we speak of 3 leagues, or 9 sea miles, it is roughly 10.35 land miles, and is generally referred to as 10½ miles.

Mr. DOUGLAS. I think the precise figure is 10.386 miles; but for purposes of debate, we can call it 10½ miles.

Mr. HOLLAND. The Senator from Illinois is a much better mathematician than I am, and I am perfectly willing to have the fractional amount which has been stated by the Senator from Illinois prevail.

The point which I think should be cleared up at some stage in this record—and I believe this is as good a point as any at which to do it—is that when some persons get red in the face in arguing about whether the correct figure is 9 miles or 10½ miles, they are talking about the same thing.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. In that case, they are talking of 9 sea miles or practically 10½ land miles. Similarly, when some persons argue about the difference between 3 miles and 3½ miles, the same situation obtains.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. While we are engaging in this discussion, I think it might be well for us to clear up another point in connection with the joint resolution, if the Senator will permit, and that is that there are three coastal States—one being California, another being Georgia, and the third State I do not now recall—which by constitutional or other measures have fixed the distance of their boundaries out into the sea, at 3 English miles.

Mr. DOUGLAS. I believe that is correct.

Mr. HOLLAND. The purpose of the joint resolution is as nearly as possible to equalize the situation in those three States with the situation applicable to the great majority of the coastal States, whose boundaries have been stated to extend into the sea a distance of 3 geographical miles.

So under the provisions of the joint resolution, in those cases some little change will be permitted to be made, namely, from 3 English or statutory miles to 3 geographic miles. The difference is very small, and the change is made in an approach toward uniformity.

I believe that is probably all that needs to be said about this highly technical situation. If the Senator from Illinois, who well knows the situation, cares to elaborate upon what I have said or to correct anything I have said, I invite such elaboration or correction, for I want us to make the record exactly correct at this time, as I believe it to be correct as previously stated.

Mr. DOUGLAS. I wish to thank the Senator from Florida for clearing up, for the sake of the record, these differences in units of measurement. I think it is very valuable to do so.

The question which I should now like to address to the Senator relates to the total amounts of money collected and impounded by the States and the Federal Government in rents and royalties from the submerged lands. My question is this: In addition to the two sums listed in table 2, are there further funds collected by California from the submerged-lands oil developments, and impounded by California, subject to the stipulation to which the Senator from Florida has previously referred?

It is my understanding that California has something over $27 million in royalties collected between 1947, when the decision of the Supreme Court was first handed down, and October 1, 1950, after which date the amount of the funds collected from these royalties and rentals was as listed in table 2, or about $35 million in addition.

Mr. HOLLAND. There is an additional amount existing. As to the precise size of it, the Senator from Florida does not have the information. There will be no argument at all about that amount, because it happens that in California the matter was covered by stipulation, in which both sides have had representation in carrying the work forward and in carrying the records forward, and it is also the case that there is no distribution or allocation required in the case of California, if this joint resolution be passed, because all of the operations there are within the 3-mile limit.

Mr. DOUGLAS. I believe the Senator is correct in that. I simply want to point out that the views of the minority of the committee, on page 9, shows that a grand total of approximately $62,800,000, derived from oil royalties and rentals from the submerged lands of the Continental Shelf, is awaiting disposition, either to the Federal Government or to the three States at the present time. A little more than $27 million of this amount has been impounded by the State of California. A little more than $35 million is held in escrow by the United States. I take it that is the $35 million which is referred to in table 2, cited by the Senator from Florida.

Mr. HOLLAND. Table II relates to no funds except those that are held by the agency of the Federal Government; and that is clearly shown to refer only to those amounts stated. I believe I had reached the point in the table that relates to California, which is very simple to interpret, because there are no rentals. The whole amount of royalties shown is $19,868,398.94, and all of that is received from areas which are landward of the 3-mile line in California. So that I believe there could be a little argument about the details of that amount. Taken as a whole, table II would show that in the absence of some controversy arising in Louisiana and Texas, the total amount on hand shown by this table would be divided among the three States that are affected, as shown by the table, in the amount of $24,093,406.83 going to the three States, and an amount of $11,190,797.43 going to the Federal Government; and it seems to the Senator from Florida that this table should rather reassuringly show that the details of allocation will not be too difficult. However, the Senator from Florida reiterates that there is nothing at all in this matter which will preclude either the Federal Government or the affected States from raising a question as to the exact location of their lands.

Now, Mr. President, under the agreement heretofore reached, I yield the floor.

PROGRAM FOR MONDAY

Mr. TAFT. Mr. President, I may say that it is our intention to adjourn today until Monday. On Monday there will be transacted only formal business such as the confirmation of nominations, the usual routine business, and such remarks as Senators may care to make.

On Monday I shall move a recess until Tuesday at 12 o'clock, at which time, under the unanimous-consent agreement, the Senator from Florida [Mr. HOLLAND] will be entitled to the floor.

Mr. HOLLAND. That is the agreement.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. TAFT. Mr. President, I move that when the Senate adjourns tonight, it adjourn until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

COMMITTEE REPORT OF THE INDEPENDENT PARTY

Mr. MORSE. Mr. President, the hour has arrived when the Independent Party wishes to proceed to do its weekly committee work on the floor of the Senate, as a member of the only committee it belongs to in the Senate, the Committee of the Whole. And I may say it is not the Independent Party that is in the hole, but I have a great many colleagues who are, and they are going to remain there so long as they continue to deny to more than 1,500,000 people in a sovereign State—my State, the great State of Oregon—equal representation in the Senate of the United States.

This is now the 12th week since January 13, when on the floor of the Senate there was established for the first time since 1871 a precedent which denies to the people of Oregon equal representation in this parliamentary body. I pressed that point on January 13; I have pressed it in a series of speeches since January 13, and I shall continue to press it until the wrong is righted, or until I am no longer in the Senate—which latter event, Mr. President, I do not think is going to be as soon as some people may think. I am going to fight on the floor of the Senate until action is taken to reverse the precedent which was established on January 13. I shall continue to refuse to believe that, once my colleagues in the Senate come to understand the historical significance of the principle for which I am fighting, they will not want to reverse themselves.

Mr. President, for the benefit of the distinguished constitutional lawyer, the respected majority leader of this body, Mr. TAFT, who is now in the chair, I repeat that I shall continue to refuse to believe that the Republican majority in the Senate and the Democratic minority, desire to stand on the very bad precedent which was established in 1871, at the beginning of another military administration in our history, and take the position that, because a Senator of the United States in an election campaign declined

Any promise of peace is a harbinger not only of hope but of a richer prosperity, for peace is the essential soil for all economic progress. It has been only the periods of peace that have made this Nation strong enough and prosperous enough to survive all its wars and, unlike so many other nations, emerge afterwards still not bankrupt.

It is possible that peace will come to Korea and it is also possible that there will be a decline in business. But any leveling off of business will not come because of the peace. It will come, if it does, because this country has been strong enough, as it has already shown, to take this war in its stride. People have found since June 1950, that no matter how energetically they bought and hoarded they could not strip bare for long the shelves of stores and factories.

War itself is a terrible thing but we find more terrible yet the fact that there are men walking about who talk of peace as if it were terrible.

TITLE TO CERTAIN SUBMERGED LANDS

The VICE PRESIDENT. Morning business is closed.

Mr. TAFT. I move that the Senate proceed to the consideration of the unfinished business.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

RECESS

Mr. TAFT. I move that the Senate recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 12 o'clock and 7 minutes p. m.) the Senate took a recess until Tuesday, April 7, 1953, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 6, 1953:

DEPARTMENT OF THE ARMY

John Slezak, of Illinois, to be Assistant Secretary of the Army.

James P. Mitchell, of New Jersey, to be Assistant Secretary of the Army.

OFFICE OF DEFENSE MOBILIZATION

Arthur S. Flemming, of Ohio, to be Director of Defense Mobilization.

SENATE

TUESDAY, APRIL 7, 1953

(Legislative day of Monday, April 6, 1953)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all grace and love, who coverest the earth with a tapestry of beauty, hallowed be Thy name. In the midst of the high concerns of public service, in this demanding and confusing day of global change, we are grateful for quiet cloisters of the spirit where in moments of reverential calm Thou dost restore our souls. In a violent world we seek Thy rest and the refuge of Thy sheltering wing; yet we desire not the rest of those whose hands are folded and whose swords are sheathed, but of those who fight the good fight with all their might.

Grant us, we pray Thee, the peace and poise of the Master Workman who steadfastly faced hate's worst and who, having overcome even death, goes on conquering and to conquer. In His name we pray. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 6, 1953, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

LEAVES OF ABSENCE

On his own request, and by unanimous consent, Mr. MORSE was excused from attendance on the session of the Senate tomorrow.

On request of Mr. TAFT, and by unanimous consent, Mr. SALTONSTALL and Mr. DWORSHAK were excused from attendance on the session of the Senate today on official business as members of the Board of Visitors to the United States Naval Academy.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. TAFT the Committee on Foreign Relations, the Committee on Labor and Public Welfare, and the Subcommittee on Constitutional Amendments of the Committee on the Judiciary were authorized to meet during the session of the Senate today.

CALL OF THE ROLL

Mr. TAFT. I suggest the absence of a quorum.

The VICE PRESIDENT. Under the unanimous-consent agreement of last Thursday, the Senator from Florida [Mr. HOLLAND] has the floor. Does the Senator from Florida yield to the Senator from Ohio for the purpose of suggesting the absence of a quorum?

Mr. HOLLAND. I yield for that purpose.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Cooper	Green
Barrett	Cordon	Griswold
Beall	Daniel	Hayden
Bennett	Dirksen	Hendrickson
Bricker	Douglas	Hickenlooper
Bridges	Duff	Hill
Bush	Eastland	Holland
Butler, Md.	Ferguson	Humphrey
Byrd	Flanders	Ives
Capehart	Frear	Jenner
Carlson	Fulbright	Johnson, Colo.
Case	George	Johnson, Tex.
Clements	Goldwater	Kerr
Kilgore	Millikin	Smith, Maine
Knowland	Morse	Smith, N. J.
Kuchel	Mundt	Sparkman
Langer	Murray	Stennis
Lehman	Neely	Symington
Malone	Pastore	Taft
Mansfield	Payne	Watkins
Martin	Potter	Welker
Maybank	Purtell	Wiley
McCarran	Robertson	Williams
McCarthy	Russell	Young
McClellan	Schoeppel	

Mr. TAFT. I announce that the Senator from Idaho [Mr. DWORSHAK], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Minnesota [Mr. THYE] are absent by leave of the Senate on official business.

The Senator from Nebraska [Mr. BUTLER] is necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

Mr. CLEMENTS. I announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ] are absent by leave of the Senate on official business.

The Senators from Louisiana [Mr. ELLENDER and Mr. LONG], the Senators from Tennessee [Mr. GORE and Mr. KEFAUVER], the Senator from Missouri [Mr. HENNINGS], the Senators from North Carolina [Mr. HOEY and Mr. SMITH], the Senator from Wyoming [Mr. HUNT], the Senator from Washington [Mr. JACKSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from Iowa [Mr. GILLETTE] is absent by leave of the Senate.

The Senator from Washington [Mr. MAGNUSON] is absent by leave of the Senate on official committee business.

The VICE PRESIDENT. A quorum is present.

The Senator from Florida has the floor.

TRANSACTION OF ROUTINE BUSINESS

Mr. TAFT. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. TAFT. Mr. President, I ask unanimous consent that Members of the Senate be permitted, without the Senator from Florida losing the floor, to present unanimous consent requests and other routine matters that would be in order during the morning hour, if we had a morning hour, and that the remarks of no Senator may exceed 2 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON SOIL SURVEY AND LAND CLASSIFICATION, BOULDER CREEK SUPPLY CANAL, COLORADO-BIG THOMPSON PROJECT, COLORADO

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that

[From the New York Times of April 6, 1953]

THE CHILDREN'S FUND

"I believe it would be a tragic mistake and an appalling setback of America's entire humanitarian record if Congress did not remedy the omission of funds for UNICEF. For a comparative pittance we and like-minded nations have achieved magnificent results for these youngsters and their mothers. * * *"

With these blunt words Senator ALEXANDER WILEY, chairman of the Senate Foreign Relations Committee, sums up the tragic plight of one United Nations group with whose efforts—to save lives and restore sick and needy youngsters to health—this country has been alined since its inception. That group, UNICEF, or the United Nations International Children's Emergency Fund, is about to die for lack of contributions, and, indeed, for lack of leadership and wisdom in this country.

We have always been the mainstay of this fund, and by our leadership encouraged other governments to match our contributions, so that millions of youngsters and their nursing mothers suffering from malnutrition, malaria, tuberculosis, yaws, and tropical diseases, and suffering from war and disasters, might live; above all, might believe that the free and democratic world was in earnest about making this a safe and healthy world for all, not for the few. Yet today the incredible situation confronting UNICEF is this: It is broke. It has $2,600 left in its treasury. A pittance—$5,300,000—has been allocated to going programs in some 30 countries. It has been waiting for months for this Government to make good its pledge of $9,814,000, so that it can get on with advance planning and secure matching contributions from other nations.

"All that remains," Senator WILEY admonishes, "is to find a prompt form of legislation to include an adequate stop-gap appropriation" for UNICEF. The time for that action is now—as it would be now if our own children were the prime sufferers.

LEGISLATIVE PROGRAM

Mr. TAFT. Mr. President, with the consent of the Senator from Florida [Mr. HOLLAND], who has the floor, I should like to state that from now on the Senate will meet every day, from Monday through Friday, and during this week I expect it to sit from 12 to 5:30 in the afternoon. The Senate is now actually down to business, and if we want to get away in the early summer it will be necessary to devote somewhat more attention to the business of the Senate than during the time up to now when there has been very little pressure for action by the Senate.

I hope very much that Senators will refrain from interrupting with irrelevant matters or even with unanimous-consent requests other Senators who are speaking on the question before the Senate, and that Senators who have such other matters to submit will wait until the end of the day or will avail themselves of the opportunity which will be given at the beginning of each session of the Senate. However, we shall take a recess from day to day, and there will be no regular morning hour during this period, until we have completed action on the pending joint resolution.

Furthermore, Mr. President, I do not expect to move that the consideration of the joint resolution be set aside for any purpose until a vote on the joint resolution has been obtained.

Mr. MORSE. Mr. President, will the Senator from Ohio yield to me?

Mr. TAFT. I yield.

Mr. MORSE. I wish to ask a question regarding the procedure of the Senate in connection with the meeting of committees while the Senate is in session. I quite agree with the Senator from Ohio that we should proceed with daily and orderly debate on the submerged lands joint resolution until a final vote is had on it, which I trust will be at a very early date.

I have not reached a final decision as to my course, but I am having great difficulty in reconciling myself to the holding of committee meetings during sessions of the Senate, while there is before it a measure so vitally important as is this joint resolution. If it is of sufficient importance to warrant the holding of the debate which is being had on the joint resolution, I believe it is of such importance that Senators should remain in the Chamber and should listen to the debate which constitutes an esssential part of the functioning of the Senate.

I wish to announce very courteously to the majority leader that I am inclining in the direction of insisting that the rules of the Senate be applied in regard to the holding of committee meetings, by not giving my consent to the holding of committee meetings while the Senate is in session during the course of the debate on the joint resolution.

Mr. TAFT. Of course, Mr. President, it is very likely that the time will come when even I might refuse to give my consent to the holding of committee meetings during the afternoons. However, I do not think we have yet reached that point. On the other hand, as we draw nearer to July, it may be necessary to become much more restrictive in that respect, and to object to all such requests.

Of course, Mr. President, any Senator has a right to object to any unanimous-consent request for the meeting of a committee during a session of the Senate.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. HOLLAND. Mr. President, at the outset of this discussion of Senate Joint Resolution 13, so that all Senators may have the benefit of my understanding, at least, of the procedure to be followed during the course of my tenure of the floor, I wish to announce that I shall expect to proceed as expeditiously as I can to conclude my prepared remarks, which, however, fall into 5 or 6 different classifications. I shall expect not to yield with reference to the particular discussion covered by any one classification until I reach the end of my remarks with reference to that classification, at which time I shall be glad to yield generously to all Senators who have an interest in the subject matter and who wish to ask questions regarding it. However, for the sake of continuity, I believe it best to complete the discussion of each segment of my remarks before I yield for questions regarding that segment.

Mr. President, the subject of Senate Joint Resolution 13 is property, property rights in the submerged lands beneath navigable waters. By way of a brief summary, the general purpose of this measure as reported by the Interior and Insular Affairs Committee is to recognize, confirm, establish, and vest in and assign to the respective States the title and ownership of the lands and resources beneath navigable waters within their respective boundaries, as well as the right and power to manage, administer, lease, develop, and use these lands and resources in accordance with applicable State law. The transfer of property rights in the submerged lands and resources to the several States from the Federal Government is made subject to the exercise by the Federal Government of all its powers of regulation for the purpose of commerce, navigation, national defense, and international affairs, all of which powers shall continue to be paramount to, but shall not be deemed to include, proprietary rights of ownership and development. Of course, such lands as the United States itself has acquired in a proprietary capacity by eminent domain procedure, purchase, cession, gift, or otherwise shall remain the property of the Federal Government.

This joint resolution also revokes as to all areas within the boundaries of the States the misconceived and ill-advised action of former President Truman, in his attempt to make a naval petroleum reserve of all the submerged lands within the entire Continental Shelf. It is unfortunate that Mr. Truman added confusion to this complicated and controversial issue by such action when, as shown by the official departmental memoranda of the Department of Justice, he had been advised that he was not creating a naval reserve within the meaning of the statute on that subject. Attorney General Brownell, when questioned on this matter in the hearings before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, on February 17, 1953, stated that the Executive order signed by Mr. Truman on January 16, 1953—and I now quote Mr. Brownell—"merely transferred the administrative power over these lands from one department to another, and did not set up a naval petroleum reserve within the meaning of the statute." Attorney General Brownell further stated in a letter dated February 13, 1953, addressed to the Secretary of Defense, that "it was also clear that the then Attorney General, Judge McGranery, approved the order, as finally drafted and issued, on the understanding that it did not intend to nor did it in fact or in law create a naval petroleum reserve within the meaning of the statute."

It will be noted that this joint resolution provides that nothing therein shall be deemed to affect in any wise the rights

of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying outside the boundaries of the respective States, and it confirms the jurisdiction and control of the Federal Government over those natural resources. In other words, this measure clearly emphasizes that nine-tenths of the submerged lands off the coast of the United States is under the control and jurisdiction of the Federal Government and that the other one-tenth, which lies inside the boundaries of the States, and immediately adjoining the coasts of the States, should be owned and controlled by the respective States.

Mr. President, if Senators will give attention for a moment to the map which is placed in the rear of the Chamber, and which I believe reasonably and clearly outlines this situation, they will note that the map has a very narrow, dark line surrounding the entire Nation on the Atlantic frontage and on the Gulf of Mexico frontage and on the Pacific Ocean frontage of the continental United States. That narrow line represents the areas which are covered by the joint resolution, insofar as any grant of offshore lands to States is concerned. Senators will note that on the west coast of the mainland of the State of Florida that narrow belt is about three times as wide as it is all the way down the Atlantic coast, and they will also note that on the entire Texas frontage on the Gulf of Mexico the same situation obtains.

The reason for that is, as has been already stated in the debate on several occasions, that the State of Texas claims for its entire frontage on the Gulf of Mexico a 3-league belt, by reason of the fact that it, as an independent republic, had set its boundary at 3 leagues from its costline in 1836, long before it came into the Union; and, by reason of the further fact that it was admitted to the Union—or so it claims—with the understanding that it should retain the ownership, control, and jurisdiction over all the lands and water within its boundaries.

As to the State of Florida, the situation is a little more complicated. I went into that matter at some length in the colloquy the other day with my friend, the Senator from Illinois. I stand ready to go further into it, if he or any other Senator desires to do so. But the situation with reference to the mainland coast of Florida on the Gulf of Mexico is that, under the constitution of our State, adopted in 1868, and, as we feel, completely accepted and approved by the Congress of the United States, our boundary is fixed at 3 leagues in the Gulf of Mexico, insofar as the mainland west coast area of our State is concerned.

The same observation does not apply to the north or Gulf fringe of the Keys, which, as Senators will note, juts out southwesterly from the southern end of our State. In other words, briefly to state my understanding at least of the situation of Florida under the law which has been in effect since 1868, our State has a 3-mile boundary on the Atlantic and on the Florida Straits, and a 3-marine-mile boundary on the Gulf of Mexico, insofar as the Keys alone are concerned, but a 3-league boundary upon the Gulf of Mexico, insofar as the mainland of the west coast of the State of Florida is concerned.

Mr. President, I call attention to this map simply because, in my opinion, it shows clearly that what is involved here insofar as any grant of offshore submerged lands to the States is concerned, is nothing more than a narrow shoestring of land and water immediately adjoining, and, in some sense, strangling our coast on all our outside salt-water frontages, and immediately affecting the local development of all of the coastal communities, all the local coastal area of the States in the most vital way.

As to the areas in white on the map, which lie just outside the narrow belt to which I have referred, they represent the so-called outer Continental Shelf, or that portion of the Continental Shelf which lies beyond the State boundaries. The Continental Shelf may be roughly indicated as that part of the ocean bottom immediately appurtenant to our continent, which extends along the shoulder of the continent until it plunges into the ocean depths, generally at about a 100-fathom, or a 600-foot, depth.

Senators will note that the Continental Shelf in many places goes very much further out from our coastline than does the narrow coastal belt which is claimed by the States, and which, under the pending joint resolution, would be yielded to the States as fully and as effectively as a property may be yielded, by the Congress under the authority it possesses.

Senators will note, for instance, that as to my own State of Florida, on the Gulf frontage, the Continental Shelf extends to a distance of about 175 miles at the widest point. On the Atlantic frontage there is very deep water just off certain portions of the Florida Peninsula on the east, and in that area there is little, if any, Continental Shelf beyond the State boundaries. Generally speaking, there is a narrower belt of Continental Shelf adjoining our State in the Atlantic and in the Straits of Florida than in the Gulf of Mexico.

If Senators will look at the map even casually, I think they will note that on the Pacific coast it is the rule rather than the exception that very deep water comes very close offshore, so that there is very little Continental Shelf beyond the 3-mile boundary—3 geographic miles, that is—which is the uniform boundary recognized in the case of the Pacific Coast States, California, Oregon, and Washington.

Mr. President, when I reach the end of this particular portion of my address, I shall be glad to yield on this or any other aspect of what I shall have said.

It is well to note that of the estimated oil deposits in the entire Continental Shelf as estimated by Ralph L. Miller, Chief, Fuels Branch, Geologic Division, United States Geological Survey, Department of the Interior—and he is our top nonpartisan professional Federal employee in this field—in his testimony before the Senate Interior and Insular Affairs Committee on Tuesday, February 24, 1953, only 17 percent will go to the States under this resolution while the remaining 83 percent will be under the complete ownership and control of the Federal Government.

In other words, Mr. President, under the pending joint resolution, some nine-tenths of the area goes to the Federal Government, so far as area is concerned, and a little less than one-tenth to the States.

So far as estimated production of oil and gas is concerned, under the joint resolution, approximately five-sixths, or 83 percent, will be in the area which will remain completely in the control of the Federal Government, whereas approximately one-sixth, or 17 percent, will lie within State boundaries, and will come, when the joint resolution is passed, as we believe it should be passed, exclusively within the jurisdiction and control of the States.

I hope this point is very clear because there are some who have erroneously maintained throughout this controversy that the States advocate State ownership of all offshore resources of the entire Continental Shelf.

Mr. President, I call attention to the fact that both measures which have been passed on this subject, one in 1946, and one last year, simply provided, as does the pending measure, that as to offshore lands the States should own the property values in the submerged lands out to their State boundaries, and went no farther than that. I also call attention to the fact that that opinion seems to be accepted pretty generally in these days, and I am glad that there has been a great deal of public discussion of this subject matter. For instance, I have noted in three of the local newspapers in Washington approving editorials of this measure, one of which I shall not now refer to, though it is an excellent editorial, but two of which I shall briefly mention at this time.

The first is from the Washington News of last Friday, April 3, under the title "Offshore Flotsam." So pertinent is this editorial that I think I shall read it into the RECORD, rather than merely ask that it be printed. This is what the editorialist says:

OFFSHORE FLOTSAM

As we see it, the issue in the tidelands dispute before Congress is mainly a matter of the proper mechanics.

For many years the States had jurisdiction out to their traditional boundaries—3 miles for most States, 10½ miles in the Gulf for Texas and Florida. The bills before Congress confirm that.

Beyond these limits, the bills give authority to the Federal Government. Policing the waters over the Continental Shelf, as far out as 250 miles, obviously is a practical responsibility of the United States. Not even Texas has a navy.

By fixing firm areas of jurisdiction, Congress isn't giving anything away, authorizing a gigantic grab, or promoting plunder of the public domain, as some of the hysterical partisans in this dispute have alleged.

Neither have the tidelands bills anything to do with forests in Idaho, water rights in New Mexico, grazing rights in Montana, or coal under the ground in Pennsylvania.

Most of the debate has been so much driftwood. The bills before Congress are designed simply to end this nonsense and open the way for the explorers and developers to get at the resources under the sea.

Without seeking to prove anything stated in the editorial with reference to hysteria on the part of anybody, I must say that, as to the remainder of the editorial, it very clearly sets forth what is the obvious fact, that the measures now pending simply give the go-ahead signal for the development of any resources in this coastal area, giving to the States that which, without question, was enjoyed by them for 150 or 160 years, namely, the ownership of everything within State boundaries, and reserving to the Federal Government everything beyond that.

The other editorial appeared in the Washington Star of April 6. It is too long to read into the RECORD in full, but I shall read from it, and any Senator who wishes to read the remainder of it will have access to it at my desk.

The editorial is headed "The House on Offshore Wealth," and reads in part as follows:

The House has done a good day's work in voting, 285 to 108, to quitclaim to the States all submerged lands and resources lying within the historic seaward boundaries. Critics of the measure have attacked it as a give-away and a steal and robbery in broad daylight, but to call it that is to be guilty of gross misrepresentation. Actually, in terms of law, morals, equity, and the like, it is an excellent piece of legislation designed to effect a fair and honest settlement of the longstanding controversy over the Nation's offshore oil and gas deposits.

Under the House bill, this controversy—the misnamed tidelands issue—would be ended by clearly defining and delimiting what should belong to the coastal States and what to the country as a whole. Thus, the bill provides that the States are to have full title to the submerged riches within their historic seaward boundaries, and that the Federal Government, representing the entire Nation, is to be the owner and controller of all the resources in the Continental Shelf beyond those boundaries. The division on that score is not left in doubt in any respect.

I shall not read further from the editorial, Mr. President.

Completing my statement on this point, it seems to me that finally the fact has been understood by most persons—my mail so indicates—that this measure does not propose a grab on the part of the States of submerged resources beyond their seaward limits as States, but, instead, recognizes that the Federal Government does have whatever claim there is in that area and should be recognized as the proprietary owner thereof.

Mr. President, there is nothing which more needs to be understood at the beginning of this discussion than that very fact.

This joint resolution will confirm to the maritime States the rights which they had respectively enjoyed since the founding of our Nation, and up to the date of the decision in the California case, in their offshore lands and waters which lie within their constitutional boundaries.

I have already discussed that point with reference to the coastal States, and I go to another very important element of jurisdiction in this resolution. It will also confirm to all the States—and that means all 48 States—their full control and property rights in their lands and waters defined as inland waters, and will also confirm to the Great Lakes States—and this is the third grant of jurisdiction—the title and control of the lands and waters lying within their boundaries in the Great Lakes.

As I have already stated, this measure does not deal with the administration and development of that vast portion of the Continental Shelf which lies beyond the States' constitutional boundaries, and control of which is recognized by section 9 as being in the Federal Government. I fully realize that many questions concerning this outer belt must be settled by the Congress very soon in order to allow essential production of oil to get underway, but the consideration of these problems will raise entirely different and more difficult problems than those which will be solved by the passage of the joint resolution before us today.

The total value of oil and gas has been estimated by authorities in this field. The values are not to be compared at all in substance or in size with other values which I shall discuss later in my address, and which have to do with other things which are absolutely needed to be used in order to promote the development of the coastal communities and the coastal industries which depend so tremendously upon property rights and property values in this narrow coastal strip along our shores.

The questions presented by Senate Joint Resolution 13 have been fully considered by Congress several times, and I believe that this proposed legislation, which relates solely to property within the States' boundaries, can and should be speedily passed if left unencumbered by other problems. As to offshore lands confirmed to the States, this measure is confined to those lands which extend out to the 3-mile limit with two exceptions. The State boundary of the west coast of Florida and the boundary of the entire coast of Texas extend 3 leagues into the Gulf of Mexico under their constitutions, which were approved many years ago by the Congress. The seaward boundary of each original coastal State is approved and confirmed by this measure as a line 3 geographical miles distant from its coast line, and it gives to those States whose boundaries do not formally extend 3 miles distant the opportunity to so extend them. I emphasize the fact that this joint resolution does not extend the boundary of any State beyond the 3-mile limit. If under this resolution Florida and Texas receive property values out to the 3-league limit in the Gulf of Mexico, as I believe they should and will receive them, it will be because they can establish as a fact that Congress approved their 3-league outer boundaries as long ago as 1845 in the case of Texas and 1868 in the case of Florida.

Mr. President, in order clearly to illustrate the limited amount of offshore area affected by this resolution, I ask leave at this time to insert three tables.

The PRESIDING OFFICER (Mr. SCHOEPPEL in the chair). Without objection, it is so ordered.

The tables are as follows:

Approximate areas of submerged lands within State boundaries

(Expressed in acres)

State	Inland waters [1]	Great Lakes [2]	Marginal sea [2]
Alabama	339,840		101,760
Arizona	210,560		
Arkansas	241,280		
California	1,209,600		2,540,800
Colorado	179,200		
Connecticut	70,400		384,000
Delaware	50,560		53,760
Florida	2,750,720		4,697,600
Georgia	229,120		192,000
Idaho	479,360		
Illinois	289,920	976,640	
Indiana	55,040	145,920	
Iowa	188,160		
Kansas	104,320		
Kentucky	183,040		
Louisiana	2,141,440		2,668,160
Maine	1,392,000		759,680
Maryland	441,600		59,520
Massachusetts	224,000		368,640
Michigan	764,160	24,613,760	
Minnesota	2,597,760	1,415,680	
Mississippi	189,440		136,320
Missouri	258,560		
Montana	526,080		
Nebraska	373,760		
Nevada	472,320		
New Hampshire	179,200		8,960
New Jersey	200,960		249,600
New Mexico	99,200		
New York	1,054,080	2,321,280	243,840
North Carolina	2,284,800		577,920
North Dakota	391,040		
Ohio	64,000	2,212,480	
Oklahoma	470,040		
Oregon	403,840		568,320
Pennsylvania	184,320	470,400	
Rhode Island	99,840		76,800
South Carolina	295,040		359,040
South Dakota	327,040		
Tennessee	182,400		
Texas	2,364,800		2,466,560
Utah	1,644,800		
Vermont	211,840		
Virginia	586,240		215,040
Washington	777,600		300,800
West Virginia	58,240		
Wisconsin	920,960	6,439,680	
Wyoming	261,120		
Total	28,960,640	38,595,840	17,029,120

[1] Areas of the United States, 1940, 16th Census of the United States (Government Printing Office, 1942), p. 2, et seq. The figures are very approximate but are absolute minimums.

[2] World Almanac and Book of Facts for 1947, published by the New York World-Telegram (1947), p. 138; Serial No. 22, Department of Commerce, United States Coast and Geodetic Survey, November 1915. In figuring the marginal sea area, only original State boundaries have been used. These coincide with the 3-mile limit for all States except Texas, Louisiana, and Florida gulf coast. In the latter cases, the 3-league limit as established before or at the time of entry into the Union has been used.

Coastline of the United States, July 1948

Locality	Length in statute miles		
	General coastline	Tidal shoreline, general	Tidal shoreline, detailed
Maine	228	676	3,478
New Hampshire	13	14	131
Massachusetts	192	453	1,519
Rhode Island	40	156	384
Connecticut		96	618
New York	127	470	1,850
New Jersey	130	398	1,792
Pennsylvania			89
Delaware	28	79	381
Maryland	31	452	3,190
Virginia	112	567	3,315
North Carolina	301	1,030	3,375
South Carolina	187	758	2,876
Georgia	100	603	2,344
Florida:			
Atlantic	399	618	3,035
Gulf	798	1,658	5,391
Total	1,197	2,276	8,426
Alabama	53	199	607
Mississippi	44	155	359
Louisiana	397	985	7,721

Coastline of the United States, July 1948—Continued

Locality	Length in statute miles		
	General coastline	Tidal shoreline, general	Tidal shoreline, detailed
Texas	367	1,100	3,359
California	840	1,190	3,427
Oregon	296	312	1,410
Washington	157	908	3,026
Atlantic coast	1,888	6,370	28,377
Gulf coast	1,659	4,097	17,437
Pacific coast	1,293	2,410	7,863
United States	4,840	12,877	53,677

The Coast and Geodetic Survey receives numerous requests for data on lengths of coastline and tidal shoreline of the United States and its Territories and possessions. As a result, graphic measurements have been made from time to time on maps of various scales and in units of various lengths. The three types of measurement selected for publication at this time are explained in the following paragraphs.

GENERAL COASTLINE

The figures under this heading are lengths of the general outline of the seacoast. The measurements were made with a unit measure of 30 minutes of latitude on charts as near the scale of 1:1,200,000 as possible. The shoreline of bays and sounds is included to a point where such waters narrow to the width of the unit measure, and the distance across at such point is included.

TIDAL SHORELINE, GENERAL

Measurements under the heading were made with a unit measure of three statute miles on charts of 1:200,000 and 1:400,000 scale when available. The shoreline of bays, sounds, and other bodies of water is included to a point where such waters narrow to a width of 3 statute miles, and the distance across at such point is included.

TIDAL SHORELINE, DETAILED

The figures under this heading were obtained in 1939–40 with a recording measure on the largest scale maps and charts then available. Shoreline of bays, sounds, and other bodies of water is included to the head of tidewater, or to a point where such waters narrow to a width of 100 feet.

Shoreline, general, Great Lakes, United States side only

By States:	
Minnesota	165
Wisconsin	645
Illinois	57
Indiana	42
Michigan	2,302
Ohio	198
New York	351
Pennsylvania	45
Total	3,805
By lakes:	
Ontario	255
Niagara River	27
Lake Erie	336
Lake St. Clair-St. Clair River and Detroit River	144
Lake Huron	678
Lake Michigan	1,309
Lake Superior	1,056
Total	3,805

These measurements are on the same basis as the center column of the U. S. Coast and Geodetic Survey coastline table, July 1948.

Mr. HOLLAND. Mr. President, the first table sets out the approximate nuumber of acres of submerged land within State boundaries, divided into inland waters, Great Lakes, and the marginal sea.

The compilation has already been placed in the RECORD, but in order that we may have one terse statement covering the different groups of lands, let me say that in the marginal sea—namely, in the area just off the coast—there are involved a total of 17,029,000 acres of land.

In the area of the Great Lakes there is a much greater acreage involved, being a total of more than 38,595,000 acres.

In the area of the inland waters generally, including, of course, rivers, bays, ports, and harbors, and all the other areas of both salt and fresh water which lie within State boundaries and which are not included in either of the other classifications, there is a total of 28,960,000 acres.

It will thus appear in the very first instance, Mr. President, that though the coastal belt outside the States extending out into the Atlantic Ocean, the gulf, and the Pacific Ocean, has been most discussed and necessarily will be most discussed in the debate, when it comes to the areas affected, that belt contains only 17,000,000 acres, whereas 38,000,000 acres, or more than twice that amount are in the submerged lands of the Great Lakes which belong to the Great Lakes States, and there is a total of nearly 29,000,000 acres in the inland waters that are not a part of the coastal belt or of the Great Lakes.

The second of the tables which have been inserted simply shows the classification of the coastline around from the Pacific to the gulf and to the Atlantic, a total of 4,840 miles, practically 5,000 miles, on the outside perimeters of our 20 coastal States.

As to the shoreline of the Great Lakes, which is the third belt indicated in one of the tables inserted in the RECORD, it is shown that there are 3,805 miles of shoreline of the Great Lakes, which belong to or comprise the shoreline of the eight Great Lakes States. So it is rather clearly indicated that there is a very large and substantial mileage of frontage, as well as of submerged area, involved in the Great Lakes, as well as on the outside in the coastal belts.

It will be noted that the total marginal sea area involved amounts to approximately one one-hundred-and-fourteenth of the total area of the United States—total area of the United States is 3,022,387 square miles. The second and third tables, which were prepared by the United States Coast and Geodetic Survey, deal with the shoreline of the United States and the shoreline of the Great Lakes on the United States side.

We all know that the 82d Congress passed a measure last year which was similar to Senate Joint Resolution 13, but it was vetoed. That measure passed the Senate by a vote of 50 to 35, but, including those Senators who declared their position on the record but did not actually vote, the division of the Senate was 57 to 36. The measure was later agreed to by the Senate-House conferees and the conference report was adopted by both Houses. The House vote on the adoption of this report was 247 to 89, or nearly 3 to 1. I believe that the sentiment for the Senate measure is stronger in both Houses this year than it was last, and the public statements of President Eisenhower leave no doubt that he supports the principles embodied in the pending joint resolution.

Incidentally, in the House action of a few days ago, approving a House measure on this subject, the vote for the measure was a little heavier and the vote against it a little lighter than was the case with respect to similar votes in the last Congress upon the House measure which was passed at that time.

In 1946 the Congress recognized the States' claim to the tidelands by passing a joint resolution similar to Senate Joint Resolution 13, which was also vetoed by President Truman.

As a matter of fact, Congress has held some type of hearing on the question of title to submerged lands on 16 occasions in the last 15 years, and there have been 7,162 printed pages of evidentiary material presented for the consideration of the various committees.

The point I make now is that this matter has been so thoroughly considered on so many occasions by the Congress that it should be unnecessary to spend valuable time in extensive debate when so many issues of national importance require our attention.

As Senators know, there are 40 cosponsors of the proposed legislation, and we find our support coming from every section of the country and including many nationwide organizations whose dignity and patriotism cannot be questioned. In order to conserve time, I should like to insert as part of my remarks a partial list of these supporting organizations.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PARTIAL LIST OF ORGANIZATIONS WHICH HAVE ENDORSED LEGISLATION RESTORING STATE OWNERSHIP OF SUBMERGED LANDS

The Council of State Governments; the Governors' Conference; National Association of Attorneys General; National Association of Public Land Officials; National Association of County Officials; National Conference of Mayors; American Association of Port Authorities; the American Bar Association; American Title Association; United States Chamber of Commerce; United States Junior Chamber of Commerce; National Water Conservation Conference; American Municipal Association (representing 10,150 municipalities); National Institute of Municipal Law Officers; National Association of Secretaries of State; National Reclamation Associations; State Bar Association of California; State Bar Association of Texas; State Bar Association of Louisiana; State Bar Association of Oklahoma; National Sand and Gravel Association; National Association of Real Estate Boards; National Ready Mix Concrete Association; Pacific Coast Association of Port Authorities; Great Lakes Harbor Association; Western States Land Commissioners' Association (12 States); Western States Council (representing chambers of commerce in the 11 Western States); Western Meat Packers' Association; Illinois State Chamber of Commerce; Missouri State Chamber of Commerce; Idaho State Chamber of Commerce; Baltimore Chamber of Commerce; Florida State Chamber of Commerce; United States Wholesale Grocers' Association, Inc. (Washington, D. C.); Southern States Industrial Council; Board of Public Works of West

Virginia; Public Lands Corporation of West Virginia; Interstate Oil Compact Commission; Department of Conservation of Michigan.

Mr. HOLLAND. Mr. President, it is interesting to note that representatives of State governments from 47 of the 48 States have testified before the various committees of Congress in favor of restoring the submerged lands within State boundaries to the respective States, and that not one witness representing a State government has testified at any time before a committee in opposition to the theory of Senate Joint Resolution 13. I should like at this time to insert as part of my remarks a list of officials of States and their political subdivisions recorded in the hearings held before the committees of Congress between 1938 and 1952 who have testified in favor of State ownership of submerged lands within their boundaries. The list also includes resolutions adopted by various States with respect to this problem. However, it does not include resolutions recently adopted by State legislatures, nor the names of those who testified this year before the Senate and House committees on this matter.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OFFICIALS OF STATES AND THEIR POLITICAL SUBDIVISIONS RECORDED IN THE HEARINGS HELD BEFORE THE COMMITTEES OF CONGRESS FROM 1938 TO 1952, AND FAVORING STATE OWNERSHIP OF SUBMERGED LANDS

ALABAMA

1939: State legislature, resolution.
1945: William N. McQueen, attorney general; Gessner T. McGorvey, special assistant attorney general.
1948: James E. Folsom, Governor; Kenneth J. Griffith, Governor's legal representative.
1949: James E. Folsom, Governor.
1951: State legislature, resolution.

ARIZONA

1949: Fred O. Wilson, attorney general.
1950: Fred O. Wilson, attorney general.

ARKANSAS

1945: Guy E. Williams, attorney general; Claude A. Rankin, State land commissioner.
1946: Guy E. Williams, attorney general.
1948: Guy E. Williams, attorney general.

CALIFORNIA

1938: Markell C. Baer, port attorney, port of Oakland.
1939: Culbert L. Olsen, Governor; Earl Warren, attorney general; George Trammell, city attorney, Long Beach; Harry R. Johnson, consultant, Long Beach Harbor Commission; Clyde M. Leach, assistant city attorney, city of Los Angeles, and Los Angeles Harbor Commission; Percy Hecendorff, district attorney, Santa Barbara County; Long Beach Board of Harbor Commissioners; California State Port Authority; board of supervisors, Santa Barbara County; Oakland Board of Port Commissioners.
1945: Robert W. Kenny, attorney general; W. W. Clary, special assistant attorney general; Irving M. Smith, city attorney, Long Beach; Carlyle F. Lynton, executive officer, State lands commission; Arthur Eldridge, harbor commissioner, Los Angeles.
1946: Arthur H. Breed, Jr., State senator; Carlyle F. Lynton, executive officer, State lands commission; Robert W. Kenny, attorney general; Irving M. Smith, city attorney, Long Beach; W. Reginald Jones, port attorney, port of Oakland; Fletcher Bowron, mayor, Los Angeles; board of supervisors, San Joaquin County; port district, Stockton.
1948: Earl Warren, Governor; State legislature, resolution; Arthur H. Breed, Jr., State senator; Oliver J. Carter, State senator; Fred N. Howser, attorney general; Long Beach Board of Harbor Commissioners; Irving M. Smith, city attorney, Long Beach; W. Reginald Jones, representing city of Oakland, board of port commissioners, and Pacific Coast Association of Port Authorities; Arthur W. Nordstrom, assistant city attorney, Los Angeles; Dion R. Holm, chief counsel, public utilities commission; city and county of San Francisco; J. Stuart Watson, assistant executive officer, State lands commission; State park commission, resolution; City Council of Long Beach; Harbor Commission, San Diego; Fletcher Bowron, mayor, Los Angeles; Los Angeles City Council, resolution; Clyde A. Dorsey, city manager, Monterey.
1949: State legislature, resolution; Hon. Earl Warren, Governor; Hon. Fred N. Howser, attorney general; E. W. Mattoon, assistant attorney general; J. Stuart Watson, assistant executive officer, State lands commission; Irving M. Smith, city attorney, Long Beach; Arthur W. Nordstrom, assistant city attorney, Los Angeles City and board of harbor commissioners.
1950: Hon. Earl Warren, Governor; Hon. Fred N. Howser, attorney general; Everett W. Mattoon, assistant attorney general; Irving M. Smith, city attorney, Long Beach; Arthur W. Nordstrom, assistant city attorney, Los Angeles City and board of harbor commissioners; W. Reginald Jones, American Association of Port Authorities and port of Oakland; J. Stuart Watson, assistant executive officer, State lands commission.
1951: State legislature, resolution; Earl Warren, Governor; Goodwin J. Knight, Lieutenant Governor; Edmund G. Brown, attorney general; Everett W. Mattoon, assistant attorney general; Rufus W. Putnam, executive officer, State lands commission; Irving M. Smith, city attorney, Long Beach.

COLORADO

1945: H. Lawrence Hinkley, attorney general.
1946: H. Lawrence Hinkley, attorney general.
1948: Lee Knous, Governor; H. Lawrence Hinkley, attorney general.

CONNECTICUT

1945: Francis A. Pallotti, attorney general; Harry L. Brooks, assistant attorney general.
1946: Harry L. Brooks, assistant attorney general.
1948: William L. Hadden, attorney general; Nicholas F. Rago, assistant attorney general.
1949: William L. Hadden, attorney general.

DELAWARE

1945: Clair J. Killoran, attorney general.
1946: Clair J. Killoran, attorney general; Vincent J. Theisen, assistant attorney general.
1948: Albert W. James, attorney general.
1949: Elbert N. Carvel, Governor; Albert W. James, attorney general.
1950: Albert W. James, attorney general.

FLORIDA

1938: Lawrence A. Truett, assistant attorney general; Fred Elliott, engineer for trustees, Florida internal improvement fund.
1939: Lawrence A. Truett, assistant attorney general; Fred Elliott, engineer for trustees, Florida internal improvement fund.
1945: J. Tom Watson, attorney general.
1946: J. Tom Watson, attorney general; Sumter Leitner, assistant attorney general; E. B. Leatherman, clerk, and H. S. Sweering, deputy clerk, Dade County Commissioners.
1948: Millard F. Caldwell, Governor; Sumter Leitner, assistant attorney general; State legislature, resolution.
1949: Richard W. Ervin, attorney general; Ralph Odum, assistant attorney general; State legislature, resolution.
1950: Richard W. Ervin, attorney general.

GEORGIA

1945: T. Grady Head, attorney general.
1948: M. E. Thompson, Governor; Eugene Cook, attorney general.

IDAHO

1945: Frank Langley, attorney general.
1946: Frank Langley, attorney general.

ILLINOIS

1945: George F. Barrett, attorney general.
1946: Dwight H. Green, Governor.
1948: Dwight H. Green, Governor; E. Roy Wells, chief engineer, Illinois Postwar Planning Commission.

INDIANA

1945: James M. Emmert, attorney general.
1946: James M. Emmert, attorney general.
1948: Cleon H. Foust, attorney general.

IOWA

1945: John M. Rankin, attorney general.
1948: Robert D. Blue, Governor; Robert L. Larson, attorney general.
1949: Robert L. Larson, attorney general.

KANSAS

1945: A. E. Mitchell, attorney general.
1948: Frank Carlson, Governor; Edward F. Arn, attorney general.
1949: Harold R. Fatzer, attorney general.
1950: Harold R. Fatzer, attorney general.

KENTUCKY

1945: Eldon S. Dummit, attorney general.
1946: Eldon S. Dummit, attorney general.
1948: A. E. Funk, attorney general.
1949: A. E. Funk, attorney general.
1950: A. E. Funk, attorney general.

LOUISIANA

1938: Gaston L. Porterie, attorney general; Joseph A. Loret, assistant attorney general.
1939: David M. Ellison, attorney general; Joseph A. Loret, special assistant attorney general.
1945: Fred S. LeBlanc, attorney general; John L. Madden, assistant attorney general; Lucille May Grace, register, State land office.
1946: J. H. Davis, Governor; Fred S. LeBlanc, attorney general; B. A. Hardey, State mineral board; Lucille May Grace, register, State land office; L. H. Perez, district attorney, Plaquemines Parish.
1948: State legislature, resolution; Kenneth C. Barranger, member of legislature; Henry C. Sevier, member of legislature; James H. Davis, Governor; Fred S. LeBlanc, attorney general; John L. Madden, special assistant attorney general; B. A. Hardey, State mineral board; Lucille May Grace, register, State land office; L. H. Perez, district attorney, Plaquemines Parish.
1949: Bolivar E. Kemp, Jr., attorney general; John L. Madden, assistant attorney general; L. H. Perez, special assistant to the attorney general; Lucille May Grace, register, State land office; O. G. Collins, chairman, State mineral board; L. H. Perez, district attorney, Plaquemines Parish; de Lesseps S. Morrison, mayor, New Orleans.
1950: William J. Dodd, Lieutenant Governor; Bolivar E. Kemp, Jr., attorney general; Lucille May Grace, register, State land office; L. H. Perez, district attorney, Plaquemines Parish; James W. Ellis, special attorney, State mineral board.
1951: Bolivar E. Kemp, Jr., Attorney General; L. H. Perez, district attorney, Plaquemines Parish.

MAINE

1945: Ralph W. Farris, Attorney General.
1946: Horace Hildreth, Governor; Ralph W. Farris, Attorney General.
1948: Ralph W. Farris, Attorney General.
1949: Frederick Payne, Governor; Ralph W. Farris, Attorney General; State legislature, resolution.
1950: Frederick Payne, Governor; Ralph W. Farris, Attorney General.

MARYLAND

1945: William C. Walsh, Attorney General; Hall Hammond, deputy attorney general; Simon E. Sobeloff, city solicitor, Baltimore.

1946: William Curran, attorney general; George P. Drury, assistant attorney general; Simon E. Sobeloff, city solicitor, Baltimore.

1948: William Preston Lane, Jr., Governor; Hall Hammond, attorney general.

1949: Hall Hammond, attorney general and chairman, submerged lands committee, National Association of Attorneys General; State legislature, resolution.

1950: Hall Hammond, attorney general and chairman, submerged lands committee, National Association of Attorneys General.

1951: Hall Hammond, attorney general.

MASSACHUSETTS

1939: Daniel J. Doherty, assistant attorney general.

1945: Clarence A. Barnes, attorney general; Hirsh Freed, assistant corporation counsel, Boston.

1946: Ernest W. Barnes, department of conservation; George Leary, special assistant, corporation counsel, Boston; Grant E. Morse, Randolph A. Frothingham, and Glenn G. Clark, selectmen of Salisbury.

1948: Nathaniel B. Bidwell, special assistant attorney general; George Leary, special assistant corporation counsel, Boston.

MICHIGAN

1945: John R. Dethmers, attorney general.

1946: Harry F. Kelly, Governor; John R. Dethmers, attorney general.

1948: State legislature, resolution; Kim Sigler, Governor; Maurice M. Moule, assistant attorney general; P. J. Hoffmaster, director, department of conservation.

1949: Stephen J. Roth, attorney general; Nicholas V. Olds, assistant attorney general.

1950: Nicholas V. Olds, assistant attorney general.

MINNESOTA

1945: J. A. A. Burnquist, attorney general.

1946: Ed. J. Thye, governor, city council St. Paul.

1948: Luther W. Youngdahl, governor; J. A. A. Burnquist, attorney general; John H. Burwell, special assistant to the attorney general.

1949: John E. Burwell, assistant attorney general.

MISSISSIPPI

1938: Greek Rice, attorney general.

1945: Greek Rice, attorney general.

1946: Greek Rice, attorney general.

1948: Greek Rice, attorney general, State legislature, resolution.

MONTANA

1945: R. V. Bottomly, attorney general.

NEBRASKA

1945: Walter R. Johnson, attorney general.

1948: Walter R. Johnson, attorney general and chairman, submerged lands committee, National Association of Attorneys General.

NEVADA

1945: Alan Bible, attorney general.

1946: Alan Bible, attorney general.

1948: Alan Bible, attorney general.

1950: Alan Bible, attorney general and president, National Association of Attorneys General.

NEW HAMPSHIRE

1945: Harold K. Davison, attorney general.

1946: Ernest R. D'Amours, assistant attorney general.

1948: Ernest R. D'Amours, attorney general.

1949: Sherman Adams, governor.

NEW JERSEY

1938: Robert Leeward, assistant attorney general.

1939: State legislature, resolution; council, Borough of Stone Harbor, resolution.

1945: Walter D. Van Riper, attorney general.

1946: Walter D. Van Riper, attorney general.

1948: Russell E. Watson, counsel to the governor.

1949: Alfred E. Driscoll, governor; Theodore D. Parsons, attorney general; Robert Peacock, deputy attorney general.

1950: Theodore D. Parsons, attorney general.

NEW MEXICO

1945: Clyde C. McCulloh, attorney general.

1948: Thomas J. Mabry, Governor; Clyde C. McCulloh, attorney general; Hiram M. Dow, Interstate Oil Co. Commission.

NEW YORK

1938: John J. Bennett, Jr., attorney general; Warren H. Gilman, assistant attorney general; Albany Port District Commission, resolution; Wilbur LaRoe, Jr., associate counsel, Port of New York.

1939: John J. Bennett, Jr., attorney general; Warren H. Gilman, assistant attorney general; State Council of Parks, resolution.

1945: Nathaniel L. Goldstein, attorney general; Orrin Judd, solicitor general; Leander I. Shelley, general counsel, Port of New York and representing American Association of Port Authorities.

1946: Orrin Judd, solicitor general; State legislature, resolution; Leander I. Shelley, general counsel, Port of New York.

1948: Thomas E. Dewey, Governor; Nathaniel L. Goldstein, attorney general; Leander I. Shelley, general counsel, Port of New York; William O'Dwyer, mayor, New York City.

1949: Nathaniel L. Goldstein, attorney general; Leander I. Shelley, general counsel, Port of New York.

1951: State legislature, resolution.

NORTH CAROLINA

1945: Harry McMullan, attorney general; Hughes J. Rhodes, assistant attorney general.

1946: Hughes J. Rhodes, assistant attorney general.

1948: R. Gregg Cherry, Governor; Harry McMullan, attorney general.

1949: State legislature, resolution; W. Scott Kerr, Governor; Harry McMullan, attorney general.

NORTH DAKOTA

1945: Nels G. Johnson, attorney general.

1946: Nels G. Johnson, attorney general.

1948: Fred G. Aandahl, Governor; Nels G. Johnson, attorney general.

OHIO

1939: Port commission; City Council, Ashtabula.

1945: Hugh S. Jenkins, attorney general.

1946: Hugh S. Jenkins, attorney general.

1948: Thomas J. Herbert, Governor; Hugh S. Jenkins, attorney general.

OKLAHOMA

1945: Randall S. Cobb, attorney general.

1946: Robert S. Kerr, Governor; Mac Q. Williamson, attorney general; J. Walker Field, assistant attorney general.

1948: Mac Q. Williamson, attorney general; State Land Office Commission, resolution.

OREGON

1939: I. H. Van Winkle, attorney general.

1945: George Neuner, attorney general; John H. Burgard, chairman, commission of public docks, Portland.

1946: George D. LaRoche, general manager, commission of public docks, Portland; Lewis D. Griffith, clerk, State land board.

1948: George Neuner, attorney general.

1949: State legislature, resolution; Douglas McKay, governor; George Neuner, attorney general.

1950: George Neuner, attorney general.

PENNSYLVANIA

1945: James H. Duff, attorney general; Miss M. Vashti Burr, deputy attorney general; Frank F. Truscott, city solicitor, Philadelphia.

1946: Miss M. Vashti Burr, deputy attorney general.

1948: Miss M. Vashti Burr, deputy attorney general.

1949: James H. Duff, governor; T. McKeen Chidsey, attorney general.

1950: Miss M. Vashti Burr, deputy attorney general.

RHODE ISLAND

1945: John H. Nolan, attorney general; John J. Cooney, assistant attorney general.

1946: John H. Nolan, attorney general.

1948: John O. Pastore, governor; John H. Nolan, attorney general.

SOUTH CAROLINA

1945: John M. Daniel, attorney general.

1946: T. C. Callison, assistant attorney general.

1948: J. Strom Thurmond, governor; John M. Daniel, attorney general.

1949: John M. Daniel, attorney general; T. C. Callison, assistant attorney general.

SOUTH DAKOTA

1945: George T. Mickelson, attorney general.

1946: George T. Mickelson, attorney general.

1948: George T. Mickelson, governor; Siguard Anderson, attorney general.

TENNESSEE

1945: Roy H. Beeler, attorney general.

1948: Jim N. McCord, governor; Roy H. Beeler, attorney general; William F. Barry, solicitor general.

1949: Jim N. McCord, governor; Roy H. Beeler, attorney general; William F. Barry, solicitor general.

1950: Roy H. Beeler, attorney general.

TEXAS

1938: James V. Allred, governor; William McGraw, attorney general.

1939: Gerald C. Mann, attorney general; R. W. Fairchild, assistant attorney general; Bascom Giles, commissioner, State land office; Homer C. DeWolfe, member, State board of education.

1945: Grover Sellers, attorney general; Bascom Giles, commissioner, State land office.

1946: Grover Sellers, attorney general; Bascom Giles, commissioner, State land office.

1948: Beauford H. Jester, Governor; Price Daniel, attorney general; Bascom Giles, commissioner, State land office.

1949: Allan Shivers, Governor; Price Daniel, attorney general; Bascom Giles, commissioner, State land office.

1950: Price Daniel, attorney general; Bascom Giles, commissioner, State land office, and chairman, school land board.

1951: Allan Shivers, Governor; Price Daniel, attorney general.

UTAH

1939: Joseph Chez, attorney general.

1945: Grover A. Giles, attorney general.

1948: Herbert B. Maw, Governor.

VERMONT

1945: Alban J. Parker, attorney general.

1946: Mortimer R. Proctor, Governor.

1948: Clifton G. Parker, attorney general.

VIRGINIA

1939: State Port Authority, resolution.

1945: Abram P. Staples, attorney general; Herbert Wade, director, State port authority.

1946: Abram P. Staples, attorney general.

1948: William M. Tuck, Governor.

1950: State legislature resolution.

WASHINGTON

1945: J. J. Underwood, port of Seattle and port of Tacoma; Seattle Port Authority, resolution; G. W. Osgood, port of Tacoma manager; Otto A. Case, commissioner, State department of public lands.

1946: Harold A. Pebbles, chief assistant to the attorney general; Warren D. Lamport, general manager, port of Seattle; Donald Macleay, Tacoma Port Authority.

1948: Frank O. Sether, assistant commissioner of public lands.
1949: Arthur B. Langlie, Governor; Smith Troy, attorney general.
1950: Smith Troy, attorney general.

WEST VIRGINIA

1945: Ira J. Partlow, attorney general.
1946: James Kay Thomas, assistant attorney general.
1948: Clarence W. Meadors, Governor; Ira J. Partlow, attorney general.

WISCONSIN

1939: Common Council, city of Milwaukee, resolution.
1945: John E. Martin, attorney general; Harry C. Brockel, port manager, city of Milwaukee; C. W. Babcock, city attorney, Milwaukee.
1946: Walter S. Goodland, Governor; Harry C. Brockel, port manager, city of Milwaukee.
1948: Oscar Rennebohm, Governor; John E. Martin, attorney general; John Bohn, mayor, Milwaukee; Mrs. Walter J. Mattison, city attorney, Milwaukee; Harry C. Brockel, port director, city of Milwaukee; commissioners, city of Milwaukee.

WYOMING

1945: Louis J. O'Marr, attorney general.
1948: Lester C. Hunt, Governor.

WHY INLAND WATERS AND GREAT LAKES ARE INCLUDED

Mr. HOLLAND. Mr. President, before concluding my preliminary remarks, and yielding to questions at that time, I shall discuss briefly a question which has been raised by many disinterested people, who really desire to know the facts, as to why inland waters and the waters of the Great Lakes are included within the joint resolution.

In answer to the questions as to our reasons for including in our joint resolution the inland waters and the Great Lakes, I may say that the long recognized rule of law applicable to the inland waters and submerged lands of every State has been seriously undermined, and State and private titles have been badly clouded by the three Supreme Court decisions under which, to quote the majority opinion of Mr. Justice Black in the California case, the States have "a qualified ownership of lands under inland navigable waters." The Federal Government clearly indicated the possibility of future attacks on the inland waters in various comments in its brief in the California case.

I invite particular attention to the compilation of hostile remarks appearing in the brief filed by Federal counsel in the California case. On page 11 of their brief, the Federal attorneys said:

> We submit that ownership of submerged lands is not related to sovereignty at all, but that the decision of this Court dealing with the tidelands and lands under inland waters have proceeded upon a false premise.

The board of governors of the American Bar Association has sounded a clear warning on the same subject.

Again, on page 72 of the Government's brief in the California case, the rule with respect to tidelands and inland waters is attacked as being erroneous and unsound. At other places in the brief, the rule is called unsound, erroneous, wrong, patently unsound, fallacy, and a legal fiction—pages 143, 144, 148, 150, and 153.

The values involved in developments located on inland waters are immense. As just one illustration, the Commissioner of Public Works of New York City, Mr. Robert Moses, testified at the hearing this year, page 139, that the value of the 160 city piers and improvements standing on reclaimed lands is $350 million. He also said that there are approximately the same number of privately owned piers. Taking the Nation as a whole, there are undoubtedly several billion dollars worth of port facilities alone, located on inland waters or on built-up lands which were once inland waters, so that it is easy to understand why the attorneys general, municipal officers, port authorities, and other similar officials, are deeply concerned in this fight and are insistent that the Congress shall effectually release to the States and their grantees all property rights in the inland waters and their beds, saving only to the Federal Government those rights which will enable it to perform its constitutional functions.

I mentioned the grantees of State governments. In my humble judgment, so far as the developed lands in the inland waters are concerned, including, of course, inland salt waters, lands not in the coastal belt, and the developed lands belonging to private grantees, their value will greatly exceed the value of public developments because there are literally tens of thousands of such developments throughout the inland waters of our Nation.

In regard to the Great Lakes, it is enlightening to note what Mr. Perlman, former Solicitor General of the United States, had to say concerning the Great Lakes when testifying before the House Judiciary Committee in 1949 on H. R. 5991 and H. R. 5992. In answer to the question, "Are the Great Lakes construed to be inland waters?" Mr. Perlman stated:

> Attorney General Clark testified last year that personally he regards the Great Lakes as inland waters. Do you ask me what the Department of Justice thinks about it now? I think that the Great Lakes are probably inland waters—if I may speak for the Department of Justice on that subject. But I do not think that the decision of that question has any part in this bill, and the question ought not to be attempted to be resolved in this bill, and I want to tell you why. The Great Lakes can be regarded as inland waters. But there is one problem there that ought not to be too hastily settled by legislation. There is an international boundary line that runs through some of these lakes.

I interpolate to say, through all of the Great Lakes except Lake Michigan. I continue the quotation from Mr. Perlman:

> The only question that now disturbs us in the matter in which it is sought to settle this thing in a casual, offhand way is the question as to what would happen if something was discovered in the future, in the beds of those lakes, that became vital to the continued existence, either of our country or of the then Canadian Government. We do not know. We do not think that the question as to what should happen in an area in which an international boundary line is drawn should be resolved in this offhand manner. We think the Congress ought to study that question—

Going back for a moment, I wish to call attention to the fact that Mr. Perlman himself, then serving as Solicitor General, stated as his reason for unwillingness to put in a quitclaim bill which covered inland waters, the waters and bottoms of the Great Lakes—

> the question as to what would happen if something were discovered in the future, in the beds of those lakes, that became vital to the continued existence, either of our country or of the then Canadian Government.

We do not need to have any more red flags hung out than that statement of a distinguished lawyer, then serving as Solicitor General, made to a committee of the Congress of the reasons why he was unwilling to have the beds of the Great Lakes quitclaimed, as were the beds of the inland waters in the measure being discussed, his reason being that he thought probably something of vital importance to our Nation or to Canada might be discovered in the future, and if so, he did not want to make effective any quitclaim deed away from the Federal Government preceding such discovery. The implication is so clear that it is unnecessary to draw it. He wanted the situation to remain such that the same rule asserted with reference to the California, Texas, and Louisiana submerged lands in the cases affecting those States might also be asserted in the matter of the discovery of any vital mineral or other resources in the beds of the Great Lakes.

Before the Senate Committee on Interior and Insular Affairs in the 82d Congress, while testifying on S. 940, Mr. Perlman said:

> We were asked in the previous hearing why we did not include the Great Lakes, and I think I said then that the question had not been considered. There had not been any controversy developed over the Great Lakes and the shores of the Great Lakes, and, as long as there was no controversy, we did not want to be in the position of attempting to resolve that question in advance. It is true that an international boundary line does run through the most of the Great Lakes, and it might be that some time or other the interest of the United States against a foreign country might be involved, but as long as there was no controversy over the bed of those lakes, we did not see any purpose served by attempting to resolve it.

Again, in a different year, in a different appearance, before a different committee, Mr. Perlman made it very clear that he was holding out against quitclaiming the beds of the Great Lakes, because he thought certain things might possibly happen in the future which would make it desirable for the Federal Government to retain ownership or claim of right of ownership in the beds of the Great Lakes.

The language of Mr. Perlman points up the fact that there is doubt as to whether the Great Lakes constitute inland waters and even greater cause for apprehension on the part of States which contain portions of the beds of the Great Lakes than there is in the case of ordinary inland waters. I think that the need for the inclusion of the Great Lakes in this measure is so clearly established that further comment is unnecessary. Certainly the States bordering the Great Lakes are fully entitled to have their rights in the submerged lands under the Great Lakes specifically recognized by the Congress.

The testimony given at the hearing by Attorney General Frank G. Millard, of Michigan; Harry C. Brockel, secretary of the Great Lakes Harbors Association, and municipal port director of Milwaukee; and Herbert H. Neujoks, general counsel of the Great Lakes Harbors Association, showed clearly the great concern of the officials of the Great Lakes States, cities, and ports about this matter, and also established some of the multimillion dollar values which are involved in port and other public developments on filled areas that were formerly a part of the beds of the Great Lakes.

I shall not attempt to quote the various values given in the testimony of those three very fine witnesses, but I remember that one figure, which was given was $55,000,000, applied to the value of the developments on submerged lands in the city of Milwaukee alone. That figure referred to publicly owned developments.

The deep concern of the inland State officials over the tidelands decisions is best shown by the fact that the governors, attorneys general, and other officials from practically every State of the Union have expressed their opinion that the decisions have clouded the long-asserted titles of the inland States to lands and natural resources below navigable waters within their boundaries.

I now gladly yield for questions on the introductory part of my remarks.

Mr. DOUGLAS. Mr. President, I thank the Senator from Florida for his courtesy. I think the suggestion which he made, that he be permitted to speak uninterruptedly with respect to each major section, and then yield for questions upon each section, was very proper.

Mr. HOLLAND. I thank the distinguished Senator from Illinois.

Mr. DOUGLAS. I should like to ask the Senator from Florida what is the precise boundary claimed by the State of Florida on its west coast?

Mr. HOLLAND. The precise boundary claimed by the State of Florida on its west mainland coast is 3 leagues, which is the equivalent of 9 sea miles, or nearly 10½ land miles.

Mr. DOUGLAS. Does Florida also claim a boundary beyond 3 miles on its east coast?

Mr. HOLLAND. It does not.

Mr. DOUGLAS. I invite the attention of the Senator from Florida to article I of the Constitution of Florida of 1868, which which he is doubtless familiar. It lays out the boundaries in the following language:

> The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido * * * thence southeastwardly along the coast to the edge of the Gulf Stream; thence southwestwardly along the edge of the Gulf Stream.

How far off the east coast of Florida is the edge of the Gulf Stream?

Mr. HOLLAND. I will say to the distinguished Senator that the courts of our own State have held that the edge of the Gulf Stream is not an invariable or fixed boundary, and therefore cannot be so used. The rule of law governing the boundary of Federal jurisdiction, extending for 3 miles, is applied to our boundary off that entire coast of our State.

Not only have the courts of our State so ruled, but the legislature of our State, in various measures which have come before it and acts which have been passed by it, has so ruled and held. As a matter of fact, the boundaries of the counties which have been formed on the east coast, which extend out to a boundary in the Atlantic Ocean, in substance read "out to the boundary of the United States," which is understood as being 3 marine miles.

Mr. DOUGLAS. I am somewhat at a loss to understand this matter. If the constitution of 1868 is appealed to as the binding precedent for setting the boundary on the west coast of the mainland of Florida, I cannot see why the constitution of 1868 is rejected so far as the eastern boundary of Florida is concerned. The constitution of 1868 specifically states that the boundary extends out to the Gulf Stream and along the edge of the Gulf Stream, which is certainly beyond a distance of 3 miles.

Mr. HOLLAND. That might be difficult for the distinguished Senator from Illinois to understand; but the courts of our State, the legislature of our State and the citizens of our State have tried to apply to this question what they thought was the rule of law and the rule of reason. They themselves, without asking for any determination of the question by the Federal authorities, have ruled that they do not have jurisdiction beyond the 3-mile line on the east coast of Florida, which I think is commendable of our people, rather than something to be used as a basis for scolding on the part of the distinguished Senator from Illinois.

Mr. DOUGLAS. I am not scolding the Senator from Florida at all. I am merely trying to find out the facts and to understand the provisions of this bill, Senate Joint Resolution 13, as applied to those facts. Can the Senator from Florida give assurance that the State of Florida will not in the future seek recognition for eastern boundaries out to the Gulf Stream?

Mr. HOLLAND. The Senator from Florida knows perfectly well that his State cannot properly make any such claim, because such a boundary is not a fixable boundary. Today it is at one place, and tomorrow it is at another place, depending upon currents, wind, and so forth. The Senator from Florida knows perfectly well that even if his State were sufficiently unwise to make such a claim, the first court it reached would knock the claim down. So I think the State of Florida was commendably wise in having decided, as it did a long time ago, that its boundaries on the east coast went out only to the 3-mile limit.

Mr. DOUGLAS. Is the understanding of the Senator from Illinois correct that Florida's case for a 3-league or 10½-mile limit on the west coast is based first on the constitution of 1868?

Mr. HOLLAND. The Senator from Illinois is correct in the statement of his first plank.

Mr. DOUGLAS. Plus, secondly, the act of Congress of the same year which permitted Florida and five other Southern States to have their Senators and Representatives readmitted to Congress?

Mr. HOLLAND. That is another point in the Senator's statement with which I agree.

Mr. DOUGLAS. Does not the Senator from Florida feel somewhat strange in pointing to the State constitution of 1868, when it was adopted by a constitutional convention set up under the first reconstruction act which barred from it those who had served in the Confederate Army, so that the convention was dominated by groups known as recently arrived carpetbaggers from the North and scalawags in the South? I am somewhat surprised at the Senator's pointing to the constitution of 1868 as a primary basis for the present boundary claims of Florida.

Mr. HOLLAND. Mr. President, the fact of the matter is that it is that constitution, as approved by Congress, which settles our rights in the matter. At least we think we can make a case of not having drafted the constitution from any unworthy or selfish motive, particularly when the Senator from Illinois makes such a strong case for the fact that the constitution was drafted by newly come citizens from Illinois and other good States throughout the United States who drew up the constitution for us.

Incidentally, Mr. President, that is the only good thing I can think of that happened to Southern States under the whole series of reconstruction acts of the time. I sincerely hope that the Senator from Illinois will not try to deprive that one southern State of the one good result that came out of that unfortunate experience of so many years ago, by questioning the State's right to it.

Mr. DOUGLAS. I was merely somewhat surprised that the Senator from Florida should place such an air of sanctity and authority around the constitutional convention of Florida of 1868. But I pass from that point to another matter.

Mr. HOLLAND. Before the Senator from Illinois leaves that point, I should like to call his attention to the fact that Illinois figured rather prominently in the congressional debates on this question. As a matter of fact, it was an Illinois man who was not many months located in our State, who was the first presiding officer of the convention. He was chosen by a dozen or more of the first-arrived convention delegates to the constitutional convention. Unfortunately, he did not appeal to the majority of the members as a person who was proper material to head the convention. So later he was ousted, and another chairman was elected.

There was some feeling in Illinois about that action, because when the constitution reached the floor of Congress, Representatives from Illinois were very much disturbed about the mentioned action of the delegates at the constitutional convention, and moved that Florida be returned to territorial status.

Finally, a Representative in Congress, either from New York or from Massachusetts—Representatives from both

States were very friendly to us—rose and called a spade a spade. It will be remembered that Florida was not then represented in Congress and could not be heard on the subject. It was only after a considerable number of Representatives who tried to do right by Florida could be heard in Congress, notably Representatives from New York and Massachusetts, who were kindly disposed toward Florida, that the question was settled. As a matter of fact, those Representatives in Congress called attention to what was actually troubling some other Representatives. The trouble arose from the fact that the carpetbagger from Illinois who had been first elected to head the convention had been summarily fired as such, and the Members of the House did not think that the intemperate attitude of the Representatives from Illinois, based upon that occurrence, should prevail in Congress.

Eventually, the decision reached represented the attitude of Representatives from other States than those from the State of Illinois.

The Senator from Florida hopes that his distinguished friend from Illinois, with his usual generous approach to problems, will not consider it his duty to continue the vendetta of the Representatives from his good State against the State of Florida. Instead, the Senator from Florida hopes that the Senator from Illinois, in his accustomed generous approach to subjects before the Senate, will project his own consideration of the subject along the lines stated by the Senator from Florida.

Mr. DOUGLAS. Is it not correct to say that the carpetbagger from Illinois was a Republican, not a Democrat?

Mr. HOLLAND. On that point the Senator from Florida is unable to reply, because he did not look into the question.

Mr. DOUGLAS. He was a Republican.

Mr. HOLLAND. The Senator from Florida is perfectly willing to concede, if the Senator from Illinois says so, that that is the case. I hope the present Senator from Illinois, a Democrat, has no intention of following or pursuing the hostile approach toward the State of Florida that was then the Republican approach.

Mr. DOUGLAS. Oh, no; not at all. I believe that the reconstruction program carried through by the Republican Party under Ben Wade, Zach Chandler, and Charles Sumner was a great blot upon the United States, and set back the cause of unity very greatly.

Mr. HOLLAND. I hope the Senator from Illinois will not leave out the name of Thaddeus Stevens.

Mr. DOUGLAS. I would be willing to say that he was perhaps the most vindictive of them all.

Mr. HOLLAND. I thank the Senator from Illinois.

Mr. DOUGLAS. Do I correctly understand the Senator from Florida to say that Congress recognized the boundaries of Florida when, somewhat later, in 1868, it passed the act admitting Florida and five other States to representation in the Senate and in the House of Representatives?

Mr. HOLLAND. The Senator from Florida will certainly strongly assert that fact. He has read the debates, and he knows that the very paragraph of the Constitution relating to the boundaries was not contested in the debates, which indicates rather strongly to the Senator from Florida that it was satisfactory.

The Senator from Florida noticed that all sorts of minor subjects did come up for debate; such as the salaries to be paid to constables and justices of the peace, the question as to which county officers were to be elected and which were to be appointed by the Governor, and of those to be appointed by the Governor, which were to be subjected to confirmation by the Senate and which were not to be subjected to confirmation by the Senate, and what the procedure was to be for amendment of the Constitution.

So many matters were debated that I believe it would be completely idle to say that the Constitution was not combed over with a fine-tooth comb. As a matter of fact, in the same debate, as the Senator from Illinois probably has discovered, if he has read the debate, Congress went so much into detail as to require that the State of Georgia, whose new constitution was then being considered, must go back and eliminate from its new constitution the so-called homestead exemption before its Representatives and Senators could be readmitted to their seats.

It is very clear, therefore, from the status of the debates in the Senate, and particularly in the House, as well as from newspaper files of the time, that in minute detail the Congress did go through all the provisions of the various new constitutions of the Southern States and subject them to a very complete sorting process before they were approved.

Mr. President, in closing this point, I may say that I hope the Senator from Illinois will not overlook the fact that Congress had imposed upon itself, by the passage of the act of 1867, under which the constitutions were redrafted, the condition that it must examine and approve the new constitutions before they could become operative. Other conditions, too, were placed in the act, which I do not believe need to be discussed at this time. Congress was so completely determined to prevail in its views of the respective State constitutions that it overrode the veto of President Andrew Johnson, after a very bitter and almost unparalleled debate as to the wisdom of the legislation, as the Senator from Illinois well knows.

Mr. DOUGLAS. Is it not true that the act of June 25, 1868, which granted representation in Congress to six Southern States, including Florida, made no mention whatsoever of boundaries, but merely stated that the constitutions were "republican"? The precise phrase was that these States had "framed constitutions of State government which are republican." Meaning that they had established a republican form of government; and in that connection I point out that the word "republican" is spelled with a small "r."

Mr. HOLLAND. Yes, the Senator from Illinois is correct in this much of his statement: that the legislation passed in 1868 was short in its terms. But it was drafted, and so showed by its terms, to comply with the conditions set forth in the act of 1867, one of which was examination and approval of the State constitutions.

Furthermore, if the Senator from Illinois has read the debates which occurred on that point, he knows that, not once, but several times in the course of the debates, it was stated that the State constitutions were approved and accepted by the congressional committees and by many Members of Congress who participated in the debate.

Mr. DANIEL. Mr. President, will the Senator from Florida yield to me for a question?

Mr. HOLLAND. If the Senator from Illinois will consent to my yielding for a moment to the Senator from Texas, I shall be glad to do so.

Mr. DOUGLAS. Certainly.

Mr. HOLLAND. Then, Mr. President, at this time I yield to the Senator from Texas.

Mr. DANIEL. Mr. President, in connection with the same procedure of approving the constitution of the State of New Mexico when it was admitted to the Union, and without any mention of boundaries, the junior Senator from Texas would like to ask if the Supreme Court of the United States did not say that the admission of New Mexico into the Union by the Congress of the United States constituted an approval of the boundaries set up in the constitution of the State of New Mexico.

Mr. HOLLAND. Of course, the Senator from Texas is completely correct. In the case of *New Mexico* v. *Texas* (276 U. S. 557) the Supreme Court said:

> New Mexico, when admitted as a State in 1912, explicitly declared in its constitution that its boundary ran along said 32d parallel to the Rio Grande. This was confirmed by the United States by admitting New Mexico as a State with the line thus described as its boundary.

I may say to the distinguished Senator from Illinois and also to the distinguished Senator from Texas, to whom I am indebted for bringing up this enlightening point at this time, that the debate showed quite clearly that the question of boundaries had not been discussed in the debate which occurred at the time when the State of New Mexico was admitted.

But the admission of the State with a boundary stated in its constitution and the approval of its constitution in general terms was held by the United States Supreme Court as being specific approval of the boundary stated in the constitution.

Mr. DOUGLAS. But it is a fact that the act of Congress of June 25, 1868, did not refer to boundaries in any way, but merely referred to a republican form of government. Is that not correct

Mr. HOLLAND. The Senator from Illinois is correct in that respect; but I believe he would be bound to admit, in fairness, that a perusal of the debate which occurred at that time shows that the discussion covered practically every other provision in the constitution except the boundary provision.

Mr. DOUGLAS. That is a very significant point.

Mr. HOLLAND. In other words, it went into the details of articles which had nothing at all to do with the question of whether the State had set up a

republican form of government. For instance, it dealt with the section which fixed salaries. Of what possible relation to the question of whether a republican form of government was created was the consideration of the long list of salaries which was set forth, beginning with the salary of the Governor, and going down to the salary of justice of the peace and the salary of constable, as those matters were discussed in the active debate which occurred at that time on the floor of the House of Representatives?

Mr. DOUGLAS. Does not the fact that the boundaries were neither mentioned in the act nor mentioned in the debate indicate that Congress did not consider the boundaries? Is there not strong ground to contend, therefore, that Congress did not then in legal effect approve those claimed boundaries? As a matter of fact, the issue at that time, as the Senator from Florida well knows, was whether Negroes were being given the franchise effectively and whether the whites who had been in the Confederate forces were disfranchised. In 1867, Congress, acting in a vindictive spirit, passed the Reconstruction Act, to bar and to disfranchise the former members of the Confederate forces. It was this that the Congress wished to assure itself about, as well as to see that no acts of involuntary servitude would be passed by the States, thus bringing slavery in by the back door. The second point was a very proper one.

Mr. HOLLAND. Of course, the Senator from Illinois is correct in his statement that those points he mentions were vital ones in connection with the procedure. However, the Senator from Illinois would be incorrect if he took the position that the entire constitution had not been submitted to the congressional committees and to both Houses of Congress and he knows that many provisions of the constitution which were not at all applicable to the question of whether the State as newly organized was under a republican form of government, were actually discussed during the course of the debate.

As I have already pointed out, in the same debate Congress went so far as to require as a condition precedent to readmission to representation in the Senate and in the House of Representatives, in the case of the State of Georgia, that it strike from its constitution the provision relating to homestead exemption, and not include that provision in its new constitution. Of course, that question would have no possible relation to the fundamental question of whether the government of the State was republican.

Mr. DOUGLAS. Is it not true that Florida was first admitted into the Union along with Iowa by the act of March 3, 1845?

Mr. HOLLAND. The Senator from Illinois is correct.

Mr. DOUGLAS. Is it not also true that in the admission of both Florida and Iowa it was specifically stated that they were admitted on an equal footing with the original States?

Mr. HOLLAND. The Senator from Illinois is again correct.

Mr. DOUGLAS. Since, according to the contention of the Senator from Florida, but not according to the contention of the Senator from Illinois, the original States could properly claim only a 3-mile boundary, how is it that Florida now can say that she has a 10½-mile boundary? Is it the position of the Senator from Florida that the equal-footing clause of 1845 is superseded by the proceedings of 1868?

Mr. HOLLAND. My contention is that the equal-footing clause has nothing whatever to do with the question of boundaries. As a matter of fact, various States have in their constitutions different kinds of provisions relative to boundaries. For instance, three of them have provisions, and I believe two of them have such provisions in their constitutions, fixing their boundaries at 3 English miles, rather than 3 sea miles; and, as the Senator from Illinois knows, the difference is about one-half a mile, as between the two classifications. There is no contention on the part of anyone that the equal-footing clause prevented any such action on the part of States, and there are many other essential questions of difference.

For instance, if the Senator from Illinois will consider his own State and the other Great Lakes States, he will find that by no means do the boundaries of his State and the boundaries of the other Great Lakes States extend equal distances into the Great Lakes. Instead, they extend to appropriate and convenient distances, to meet the boundaries of other States or to meet the international boundary with Canada.

So I do not believe the Senator from Illinois can properly be heard to say that the question of equal footing has any direct relationship whatever to any requirement that all the States must have identically the same boundaries.

Mr. DOUGLAS. Is it not true that in the Texas case the Supreme Court said that since the Court had rejected the claim of California for ownership of and title to the submerged lands seaward to the 3-mile limit, certainly it could not approve ownership claims beyond 3 miles in the case of Texas, since Texas came in on an equal footing with the other States? Does not the same rule reasonably apply to Florida? Of course, the precise Florida case has never been before the Supreme Court.

Mr. HOLLAND. In the first place, Mr. President, the Senator from Illinois is incorrect in his reference to the Texas case. The question of equal footing had to do with the question of whether assets within the State boundaries should be the property of the State or the property of the Federal Government. The Supreme Court of the United States did not disturb in the slightest the boundaries of California, which extended only 3 English miles offshore; but the Supreme Court considered that case in reference to those boundaries, and made its finding on that basis. The Court did not disturb in the slightest the boundaries of Texas, which extended 3 leagues offshore. The Court went into the case of Louisiana, and there was some discussion of the 27-mile boundary of Louisiana, which had been fixed or had been attempted to be fixed by State statute. The Court did not even interfere with that.

The equal-footing reference upon which the Senator from Illinois is relying relates in no sense whatever to boundaries. To the contrary, different boundaries prevailed with reference to all three of the States which were involved in the three cases before the Supreme Court of the United States.

The equal-footing clause had to do with the question of whether the Federal Government or the State government owned the various property rights in the coastal belt from mean low water out to the State boundaries, wherever they were.

If the Senator from Illinois will carefully read the three decisions, he will find that the Supreme Court did not in the slightest degree either disturb the actual location or question the existence of State boundaries in any of those three cases, applicable to those three States.

Mr. DOUGLAS. Of course, it is true that the issue before the Court was, and the issue before the Senate is, the ownership of and title in the submerged lands out to the State boundaries, wherever they may be. I was interested in exploring the question of what the Court might do in applying this bill, Senate Joint Resolution 13, to the facts in the Florida situation and to its boundary claims in the light of the equal-footing clause.

Mr. HOLLAND. Let me say here that the Supreme Court had no trouble at all accommodating its philosophy to the three different cases, which I state again are the case of California, where the boundary by its constitution was 3 English miles off the coast; the case of Texas, whose boundary, determined long before its admission to the Union, and recognized at the time of its admission to the Union, was 3 leagues offshore; and the case of Louisiana, as to which there is a 3-marine-mile limitation, although the State had endeavored to extend its boundary 27 miles, or 24 additional miles, into the Gulf of Mexico. The Supreme Court had no difficulty at all fitting its philosophy into those 3 completely varying cases as to the question of where the boundaries were.

Mr. DOUGLAS. They were consistent in denying all three States claims, not in accepting them all, as the Senator from Florida has said.

Mr. HOLLAND. They were consistent as to the States of Texas and Louisiana, by not even questioning the jurisdiction of the two States. But, to the contrary, the Senator will find words which seem to approve the jurisdicton, for other purposes, of the two States of Texas and Louisiana. So that the Senator from Illinois has, for once, barked up the wrong tree. The question of equal rights——

Mr. DOUGLAS. Equal footing.

Mr. HOLLAND. Thank you. The question of equal footing relates not at all to the question of boundaries, but to the question of the type of rights granted to the various States, or permitted under Federal law to exist in the various States.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CASE. The Senator from South Dakota has been very much interested in the discussion, and is interested in the

map which the Senator from Florida has exhibited to the Senate. There is one matter on which I should like to have the Senator comment. The State of Louisiana, of course, was a part of the Louisiana Purchase, which embraced a great area running northward, as shown on the map, and of which my State of South Dakota was a part. What authority cut off the landward side of Louisiana to the north?

Mr. HOLLAND. The Federal Government, of course.

Mr. CASE. If the Federal Government has cut off the landward side of Louisiana to the north, can it not likewise cut off on the landward side of Louisiana seaward?

Mr. HOLLAND. It could have done so. At the time it admitted Louisiana to the Union it did not see fit to do so.

Mr. CASE. If it did not do so, do not the States of North Dakota, South Dakota, Nebraska, and the straight area I point out on the map, which was a part of the Louisiana Purchase, have an inherent right to whatever mineral rights or whatever other rights may exist seaward on the coast side of Louisiana?

Mr. HOLLAND. The Senator from South Dakota would, I think, be able to make a good case for his State, along with other States of the Union, as to areas beyond State boundaries if they had been given away. As to areas within State boundaries, I think the Senator would have no more right to claim property rights there for his State than he would to claim property rights in the waters of the Mississippi River where they flow through Louisiana or property rights in the great swamps of Louisiana which were conveyed to Louisiana under the Swamp and Overflowed Land Act, or property rights in any of the other portions of Louisiana.

Mr. CASE. If the Federal Government can cut off Louisiana to the north, it is difficult for the Senator from South Dakota to understand why it cannot do so to the south.

Mr. HOLLAND. The Senator from South Dakota has a point there of course. If the Federal Government had been willing to create a State that was not on equal footing with the other States, when it admitted Louisiana it could have specifically refused to grant it any offshore boundary, or any rights to property within that offshore boundary. But the Federal Government did not see fit to do that. The Federal Government granted to Louisiana, under its enabling act, an offshore boundary extending, as I recall, 3 marine miles into the gulf, along with the ownership of islands a considerably greater distance in the gulf. Those matters were within the jurisdiction of Congress, and the Congress acted, and the State of Louisiana was entitled to claim from that moment, all rights arising from that action, and does claim them, I am sure. The Congress of the United States would have no more right to recall a right granted to Louisiana or to any other of the new States at the time of their admission to the Union, or approved for them since that time, than a private person in a contractual relation with another private person would have a right to claim back something which he had given by way of rights to the other contracting party under the terms of the contract.

Mr. CASE. Then, is it not correct to say that Louisiana has a 27-mile claim to offshore lands, or seeks recognition of a 27-mile claim?

Mr. HOLLAND. It is correct to say that Louisiana has sought by action of its legislature to extend its boundary 24 miles further than the State boundary which was fixed by the act of Congress, and insofar as the Senator from Florida is concerned, the Senator from Florida questions the right of Louisiana to follow that course. There has never been any doubt about that being the position of the Senator from Florida.

Mr. CASE. If that could be done——

Mr. HOLLAND. If the Senator from South Dakota will defer for a moment, if he will look at the map of the State of Florida, he will see that the Continental Shelf outside State boundaries extends off the west coast of Florida to a point about 175 miles, at the farthest, from the mainland of the State, but Florida has not asserted any claim to areas outside its State boundaries. We think that to do so would be ex parte. We have never attempted to do that, for we think that the Federal Government has whatever right there is to such areas. That is a completely different question, however, from whether or not the Federal Government can negotiate in its own interest an arrangement with bordering States, whereby it can make use of the legal setup of such States rather than attempt to enact a great body of new laws which are now nonexistent. We have no Federal law other than admiralty law that prevails beyond State boundaries, and admiralty law, of course, does not cover the multitude of personal, private, and public relationships which have taken place and will continue to take place in the development of that outer area. The Senator from Florida has always felt that anything granted to the States by the Federal Government in that great outside area beyond State boundaries will have to be done by the Federal Government anew, and not as a result of something that has been done heretofore, and that it should not grant anything to the States except what it believes is proper compensation for any value it may get from the States. If it feels that it can receive no good value from the States, it should not give to the States anything within that outer area. That is just about as plain as the Senator from Florida can state his position, with which he believes he is in complete accord with the Senator from South Dakota.

Mr. CASE. The Senator from Florida is always able to state his position very plainly.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Texas.

Mr. DANIEL. I should merely like an opportunity to say, in connection with the so-called assertion by Louisiana of a boundary 27 miles from shore, that nothing in this joint resolution would give to Louisiana anything beyond its boundary as it existed at the time it entered the Union. The 27-mile claim was only asserted within recent times, and I believe that it is certainly clear, from the presentation made earlier today, that this measure covers nothing beyond the seaward boundary of Louisiana as it existed at the time Louisiana entered the Union.

The Senator from Louisiana [Mr. LONG], on the floor of the Senate this year, made a similar statement, which I would like to include in the RECORD at this time. From the CONGRESSIONAL RECORD of April 2, 1953, at page 2696, I read:

> Mr. LONG. On page 280 of the hearings there appears a portion of the testimony of the attorney general of Louisiana, who makes clear that the act of the Legislature of Louisiana in extending its boundaries 27 miles has no effect insofar as this proposed legislation is concerned, and that Louisiana is limited to its original boundary unless the Federal Government should at a future time see fit to recognize the State boundary as extending beyond the boundary that existed when the State came into the Union.

Mr. HOLLAND. I thank the Senator. Let me say, to supplement what the Senator from Texas has said, that I am sure everyone knows that the position of Florida is somewhat different from that of Louisiana and Texas, but I must say, in complete fairness to the Senators from Louisiana and Texas, that not since I have been a Member of the Senate, and, I believe, at no other time, have they claimed in the Senate that their States have property rights extending beyond their legal boundaries. The measures which have been proposed recognize that fact and simply try to work out a participation in the fruits of development of the outer Continental Shelf based on what they consider the fair value of the use of their laws, police powers, facilities, and the like.

I have not agreed with them on some of the provisions which they have placed in their bills, but I know that not since I have been a Member of the Senate has any bill been proposed which would seek to take away from the Federal Government its proprietary interest in the Continental Shelf area. There has been very much loose talk on this question, especially by columnists and commentators, and I think it is well to restate the fact over and over again. Not since I have been a Member of the Senate, for over 6 years, has there been any measure submitted or, to my knowledge, suggested in the Senate which would lay claim on behalf of the States to any areas beyond the State boundaries.

Mr. CASE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. CASE. The case cited in the hearings on the Submerged Lands Act—United States against Louisiana, decided June 5, 1950—contains references which would indicate that in that case that issue was at stake before the Supreme Court. There was a decision in the case against Louisiana, which asserted the Federal interest.

Mr. HOLLAND. The State of Louisiana has bowed to that decision insofar as areas beyond its State boundaries are concerned. In fairness, the Senator from Florida desires to state that in the various acts proposed by the Senators from Texas and Louisiana can

well take care of themselves. They have never claimed and do not now claim that the States own beyond their State boundaries, as fixed, in one case, by the Louisiana Enabling Act of Congress, and in the other case by action of the Texas Congress in 1836, later approved by the Congress of the United States.

Mr. DOUGLAS. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. May I ask the Senator from Florida what he understands the boundaries of the State of Louisiana to be?

Mr. HOLLAND. The sea boundaries of the State of Louisiana were stated in the enabling act as the Gulf of Mexico. They extend out 3 marine miles by operation of law and include specifically all islands lying within 3 leagues of the coast. Most of the debatable questions which eventually will have to be decided by some court and which relate to the precise location of State boundaries, relate to the State of Louisiana, particularly its southeasterly and easterly shorelines. Those questions do not apply to many other areas of the Nation. On the contrary, in most other places the boundary lines are clearly fixed, and there is no argument about them.

Mr. DOUGLAS. The Senator from Florida, in his testimony before the Committee on Interior and Insular Affairs with reference to the pending joint resolution, submitted a table which was largely, I think, identical with the table which he has submitted today. It is printed on page 35 of the hearings. In the footnote to that table the Senator explains the areas of the submerged lands within State boundaries. The last two sentences of the footnote read as follows:

> These coexist with the 3-mile limit for all States except Texas, Louisiana, and the Florida Gulf coast. In the latter cases the 3-league limit as established before or at the time of entry into the Union has been used.

Was that a misprint, or does the Senator actually say that in the case of Louisiana, as well as in the cases of Florida and Texas, the 3-league limit or the 10½-land-mile limit is the boundary line?

Mr. HOLLAND. Mr. President, it is unfortunate that all Senators did not have a chance to attend the hearings, because if they had, the Senator from Illinois would have learned that the inclusion of Louisiana in that particular way was stated to be incorrect, and the Senator from Florida, in his testimony, stated in great detail exactly what he has stated on the floor of the Senate today with reference to his understanding as to what constitutes the boundaries of Louisiana.

Mr. DOUGLAS. That is, 3 miles?

Mr. HOLLAND. It is 3 marine miles.

Mr. DOUGLAS. It is not 3 leagues?

Mr. HOLLAND. The Senator is correct. That particular item is the only item in the table as to which the Senator from Florida discovered any discrepancy with the facts. I should like to make it quite clear that that discrepancy is not carried through in the statement of the areas included within Louisiana, according to my understanding.

Mr. DOUGLAS. Is it the contention of Florida that Senate Joint Resolution 13, as applied to the facts in Florida's case, transfers title and ownership of submerged lands, and the right to administer them out 10½ miles on Florida's west coast?

Mr. HOLLAND. The Senator is correct as to all the proprietary rights covered by the resolution, and always excepting those rights which are necessary for the Federal Government to enforce completely its jurisdiction as to control of navigation, commerce, international affairs, and the common defense.

Mr. DOUGLAS. Is it the understanding of the Senator from Florida that the resolution gives to Texas the claimed rights, as mentioned by the Senator from Florida, to the 10½-mile limit?

Mr. HOLLAND. I do not think the Senator uses the correct words. This resolution does not give anything to anyone; it simply recognizes the Texas limits, provided Texas can, as I believe it can, show that its limits were 3 leagues out before it was admitted into the Union, and that fact was made known to Congress and Congress approved it. The State of Texas is entitled to claim that right under the law.

To be a little more specific, I have always said, and I now repeat, that the joint resolution extends no State boundaries beyond the 3-geographical-miles limit. It simply leaves the 2 States in the status which they now occupy; and as to the only 2 States which the Senator from Florida knows will have any right beyond 3 miles, the States of Florida and Texas, the cases for Florida and Texas will have to be brought within the provisions of this resolution, based, in the one case, that of Texas, on action taken prior to 1845, on the part of the Republic of Texas, and action taken in 1845 by Congress in admitting Texas into the Union, along with its boundaries; and in the case of Florida, on action taken in 1868, to which the Senator from Illinois has already adverted.

Mr. CASE. Mr. President, will the Senator from Florida yield further?

Mr. HOLLAND. I yield.

Mr. CASE. I find myself in a difficult position. Apparently, in the hardening up of the Louisiana Purchase, land of North Dakota was cut off from South Dakota. Within the past few years there has been discovered a great body of oil in North Dakota. The oil has been cut off from us to the north, and now, apparently cut off to the south, or it would be if the desires of all the States along the coast were granted. The only way by which the people of South Dakota can ever have any interest in the oil in areas which were a part of the Louisiana Purchase, as South Dakota was, is to establish, somehow, our rights somewhere along the line.

In view of what the Senator has said about Louisiana and its 3-mile belt and its claim to a 24-mile belt beyond the 3 miles, does not the Senator believe that this would be an appropriate time to make a declaration in order to settle ownership of the land on the Continental Shelf, at least beyond the 3-mile limit?

Mr. HOLLAND. I may say that that would be done by the pending joint resolution. Perhaps the Senator has overlooked that fact. Such a provision is contained in section 9, page 20, of the joint resolution, which I shall read into the RECORD at this time:

> SEC. 9. Nothing in this joint resolution shall be deemed to affect in anywise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 2 hereof, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed.

If the Senator from South Dakota had been present earlier in the discussion, he would have learned that, according to the estimates of the best-trained persons we have been able to obtain to make such estimates, one-sixth of the oil and gas to be found in all offshore areas—that is, out to the Continental Shelf—lies within State boundaries, while five-sixths of it lies without State boundaries. Considering the fact that as to California all of the known oil is within State boundaries, it is quite apparent that much more than five-sixths of the total in the Continental Shelf in the Gulf of Mexico lies outside the boundaries of the States.

Mr. CASE. By virtue of my reading on the subject, I was aware of that general theory or estimate with respect to the place where oil exists. However, earlier in the discussion this afternoon the Senator from Florida was referring to the Louisiana situation, and I understood him to indicate that he thought that at some time there should be a definition of the area of the 3-mile belt. Is the Senator from Florida saying that that would be taken care of by the joint resolution, so that Louisiana could assert ownership to anything beyond the 3-mile limit?

Mr. HOLLAND. I am saying that the joint resolution, if passed, would completely confirm in the Federal Government all jurisdiction and control of every sort outside the State boundaries of not only Louisiana but also every other coastal State.

Mr. CASE. In making his statement, what does the Senator from Florida have in mind with respect to islands?

Mr. HOLLAND. With respect to islands, only those islands which were granted to the States by the Federal Government at the time the States came into the Union, or since, if there be any such instances, could possibly be claimed by the States.

Mr. CASE. Would the 3 miles extend from each island?

Mr. HOLLAND. As I recall, the former Secretary of State, Mr. Acheson, wrote a long letter to the committees of both the Senate and the House which were hearing this matter, setting forth the understanding which the State Department had on the subject. Secretary Acheson stated that each island had its own 3-mile belt around it.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. Is it not possible, under the language of Senate Joint Resolution 13 with respect to submerged lands extending out 3 miles from the "coast line," that the coastline may be interpreted as being the outer shores of

islands far off the shores of the mainland, as California has been claiming under a State statute and, I believe, before the master in chancery of the Supreme Court, in which event boundaries and ownership could go out a long distance from the continental land mass?

Mr. HOLLAND. My understanding is that California has no provable case beyond 3 miles from its mainland; and that as to the islands, its provable case would be 3 miles around each of the islands. I so stated in the hearings on this matter.

Mr. DOUGLAS. That is a consummation devoutly to be desired, but I am not at all satisfied that that is what the Senator's joint resolution would accomplish, because the coastline is not fully and clearly defined.

Mr. HOLLAND. On that point, all I can say is that, in the first instance, the joint resolution was drafted by representatives of the attorneys general of 44 of the States; was perfected in hearings in both the Senate and the House, with changes made throughout the draft; and was then closely scrutinized many times by the Department of Justice. I know of no opinion on the part of the Department of Justice that holds to the contrary. From the statements of representatives of the Department of Justice, and from private conferences with them, it is our belief that they understand the joint resolution exactly as we understand it. If the Senator from Illinois has an understanding that is different or contradictory, I should appreciate his placing it in the RECORD, so that we may see the basis for such belief.

Mr. DOUGLAS. Is it not true that in the California case, California claimed that the line was 3 miles from the outer chain of islands?

Mr. HOLLAND. I do not recall that aspect of the matter. Certainly in the Supreme Court decision there is no such statement.

Mr. DOUGLAS. Oh, no; I agree it is not in the Supreme Court decision, but in the record of the hearings before the master of the Supreme Court, Mr. William H. Davis.

Mr. HOLLAND. I believe the only document I have seen on that matter is the report of recommendations by the master and the objections made by both sides. Neither side was satisfied. I understand the point in argument before the master was not the question mentioned by the Senator from Illinois, but, instead, the question, What is the outer boundary of inland waters, particularly of San Pedro Bay?

Mr. DOUGLAS. Most certainly that was one question. But I believe also there was a question as to whether the 3 miles should be measured from the continental land mass or from a line connecting the outer shoreline of the chain of islands lying off the coast of southern California.

Mr. HOLLAND. Under the joint resolution, no such contention could be maintained.

Mr. DOUGLAS. Is the Senator certain of that?

Mr. HOLLAND. That is what I believe, and that is what every legal authority I have consulted on the subject believes. Incidentally, the only reason why there was some thought to the contrary was some wording in the original joint resolution, which has been omitted, which would have made the outer boundary of inland waters farther out than that which is now provided by the joint resolution. The joint resolution simply continues the outer boundary of inland waters pursuant to the decisions of the Supreme Court already made. In the case of California I think the record should also show that very deep waters exist off the shore of the mainland of California, so, in my opinion, it would certainly be completely illogical to make a claim that the State boundaries embraced those deep waters and channels. I do not believe any such claim could possibly be substantiated under existing law, much less under the joint resolution, if it should be passed.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from California. I am glad he is here to discuss the question.

Mr. KUCHEL. I wish to say to the Senator from Illinois that in 1949, as the Senator probably knows, the State of California enacted a statute which purported to extend its boundaries seaward 3 miles from the farthermost islands off its coastline.

Mr. DOUGLAS. That was the point to which I referred.

Mr. KUCHEL. Yes. Certainly the State of California was acting either constitutionally or unconstitutionally. In either event the language of the joint resolution introduced by the Senator from Florida would not affect the boundaries of the State of California, aside from its provisions by which the State of California, like all the other States of the Union, would be given title to the "historic boundaries" in the specific case. Is not that correct?

Mr. HOLLAND. The Senator from California is, of course, correct. However, the recital in the joint resolution which, in the opinion of the Senator from Florida, would absolutely preclude the State of California from successfully asserting any claim to a boundary extending beyond the islands is the last sentence in section 4, which is the saving clause which simply preserves the situation in California and every other State, under the conditions stated in that sentence, which I read into the RECORD:

> Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

The Senator from Florida, without seeking in any sense to limit the State of California or any other coastal State—and he could not do so if he wished to—but simply observing what he believes to be the facts and law in the matter, has merely stated that he does not think that reservation would breathe life into a statutory extension or attempted extension of the boundaries of California or any other State after the time of its admission to the Union, unless Congress should approve such extension.

Mr. KUCHEL. At the time the State was admitted to the Union originally.

Mr. HOLLAND. Or since.

Mr. KUCHEL. Or since; yes.

Mr. HOLLAND. If Congress did approve the action of California, Louisiana, or Texas, or the action of one of the New England States which might seek to extend its boundaries—and I believe Delaware made such an effort, but the legislation was passed by only one house—that, of course, would be the right of Congress, subject to the law of nations as to how far it could exercise such rights.

The point the Senator from Florida is making is that he has not heard of any contention on behalf of California that at the time it became a part of the Union its constitution or its laws prescribed its boundaries in any different place than 3 English miles off the shore of the mainland. The Senator from California knows that there has been nothing done since that time by way of congressional action to extend those boundaries; and there is nothing in this joint resolution which would affect the right of California or any other State to claim what it thinks it is entitled to claim. But there is certainly nothing in the joint resolution which would confirm, or even tend to confirm, a claim based upon a statutory extension of boundaries made since the State was admitted to the Union, such attempted statutory extension not being approved by Congress.

Mr. KUCHEL. Or to deny the State that right if, indeed, by its 1949 statute it did no more than what was originally intended at the time the State came into the Union.

Mr. HOLLAND. Of course, that would be a question for the courts.

Mr. DOUGLAS. Mr. President, do I correctly understand the Senator from California to feel that this joint resolution would not foreclose California from claiming the shoreline as being the line connecting the outer shoreline of the islands, rather than the shoreline of the continental mass? Does the Senator from California feel that, under this bill, California would not be foreclosed from making such a claim?

Mr. KUCHEL. I should say that, with respect to the State of California, the joint resolution merely places the boundaries as they existed when the State came into the Union, or as they may subsequently have been established in accordance with the language of a statute enacted by the Congress at a later date. In any event, we have a question unanswered in 6 years before the Supreme Court in connection with a master's report; and so far the Supreme Court has not found where the outer limits of the inland waters are with respect to our shore line. In my judgment, whether or not the 1949 statute is valid or invalid is not touched upon in any fashion by this joint resolution.

Mr. DOUGLAS. Does the Senator from California believe that the measurement of the seaward boundaries of California at the time it came into the Union started from the continental land mass or from the outer edge of the chain of islands?

Mr. KUCHEL. I have no comment to make upon that question. The fact is

that my State has enacted a statute on this point. Whether or not that statute is valid is something for the courts to decide, and quite apart, however, from the pending joint resolution.

Mr. DOUGLAS. In other words, the Senator from California believes that there is an ambiguity in the joint resolution?

Mr. KUCHEL. Not at all. The question of a definition of boundaries by metes and bounds is something which is not, and in my judgment should not be made, a part of the joint resolution before us.

Mr. DOUGLAS. In other words, the Senator is suggesting that it may later be decided that the boundary is measured from the continental land mass, or it may later be decided that the boundary is measured from the outer edge of the chain of islands lying off the continental land mass.

Mr. KUCHEL. I think it would be within the purview of a court of competent jurisdiction to determine, in any instance, what actually are the boundaries of a littoral State.

Mr. DOUGLAS. Does not that open up the prospect, under this bill, (a) of endless litigation; (b) of endless delay; and (c) of the possibility of tremendous extension of State boundaries and State ownership into the open ocean?

Mr. HOLLAND. Mr. President, the Senator from Florida can understand the impatience of the distinguished Senator from Illinois with the law.

Mr. DOUGLAS. Not at all.

Mr. HOLLAND. After all, the law is not so certain a science as, for example, mathematics or other sciences with which the Senator from Illinois is familiar. The Senator from Florida knows full well that if the United States Supreme Court should change its mind as to what constituted the outer limits of inland waters, and should change it to a sufficient degree, it could open up, not only under this joint resolution, but of its own initiative, questions which would reach out much farther than anything we have been talking about here.

The Senator from Florida believes that the laws, as announced over and over and over again by the Supreme Court, as to the delimitation of inland waters, are sufficiently fixed, definite, and certain so that it would require a complete, cataclysmic change of the Supreme Court's philosophy in that field to afford any hope for an extension of the boundaries of the good State of California so that they would go out beyond the islands as to all areas contained within an outer line. There is no way for us to foreclose the Supreme Court from changing its mind. It might change its mind with reference to inland waters and their delimitation. But failing such change, the Senator from Florida cannot see how, under this joint resolution, there could possibly be any serious question affecting California or any other State.

What we are talking about is the boundaries as of the time the various States came into the Union. If such boundaries have been approved by Congress on an extended basis since that time, that fact, too, is germane in connection with the joint resolution. But unless the boundary can be brought into one or the other of those categories, the State is bound by the limitation of 3 geographic miles, which applies, without constitutional action and without statutory action, as the outer limit of the claimed boundary of jurisdiction of the Nation, and of the States situated on the coast.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). Does the Senator from Florida yield to the Senator from Illinois?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. Would the Senator from Florida favor an amendment to the joint resolution which would eliminate the possibility of future boundary extensions of States into the marginal sea and further transfers of ownership or control to the States beyond the limits which the Senator has designated as the present limits of the coastal States?

Mr. HOLLAND. The Senator from Florida hopes that no amendments whatever will be made to the joint resolution. As the Senator from Florida understands, the President of the United States is committed to the support of the joint resolution. Those acting for the President have checked the very minor changes made up to this time. The Senator from Florida does not want any substantial changes of any sort made in this measure. However, he does invite the attention of his friend to the fact that even if Congress should take such action now, there would be nothing in that action to prevent future Congresses from adopting a different point of view. So there would be little to be gained by the inclusion of such a provision in the joint resolution.

Mr. DOUGLAS. Mr. President, the Senator from Illinois is merely suggesting that we might place in the legislation that which the Senator from Florida says is its intent.

Mr. HOLLAND. If the Senator from Illinois wishes to prepare an amendment the Senator from Florida, of course, will be glad to study it.

Mr. DOUGLAS. Would he support it?

Mr. HOLLAND. But the Senator from Florida insists there is, in his opinion, no substance whatever to the claim that the State of California can under present conditions and under the pending measure successfully surmount that part of the California facts and law which fixes its boundaries 3 miles offshore.

Mr. DOUGLAS. Would the Senator from Florida permit the Senator from Illinois to turn his questioning to the field of so-called inland waters?

Mr. HOLLAND. Gladly.

Mr. DOUGLAS. Is it not a fact that the Supreme Court in an unbroken series of decisions has stated that ownership of and title to submerged lands under navigable inland waters belong to the States?

Mr. HOLLAND. The Supreme Court decided that the States have qualified ownership in the bottoms or beds under their inland waters. However, I doubt whether the Supreme Court has stated that point any more often than members of the Supreme Court had stated in cases prior to the bringing of the California case that the same situation obtained as to all lands under waters lying within State boundaries.

Mr. DOUGLAS. Is it not correct to say that in every case, up until the California case, the lands involved were (a) true tidelands, or lands daily washed by the tide, (b) submerged lands under bays and ports, (c) submerged lands under rivers, and (d) submerged lands under inland lakes, and that in every case the Court held the ownership in and title to such lands rested in the States?

Mr. HOLLAND. Yes; but the Court sometimes used a good deal more general language than that. Furthermore, the Senator from Illinois is not correct in saying that the cases are limited to the subjects which he mentions. The Florida case of Skiriotes versus Florida has to do with the enforcement of police laws of the State of Florida in the open sea.

Mr. DOUGLAS. That did not involve ownership of submerged lands; it involved questions of control over fishing rights.

Mr. HOLLAND. The Senator is correct. However, the whole general subject matter of where control lay, whether in the State or in the Federal Government, was a part of that case. There have been other cases not yet cited. For instance, the Senator from Florida is looking at a quotation from the United States Supreme Court case of *Manchester* v. *Massachusetts* (139 U. S., 240), in which a very responsible and highly regarded Justice of the Supreme Court, writing a decision by the Supreme Court, which was, I believe, unanimous, used these words:

> The extent of the territorial jurisdiction of Massachusetts over the sea adjacent to its coast is that of an independent nation, and, except so far as any right of control over this territory has been granted to the United States, this control remains in the State.

Mr. DOUGLAS. What is that case?

Mr. HOLLAND. It is the case of Manchester against Massachusetts. It is a fishing case. It had to do with the waters of Buzzards Bay. Again, the waters of Buzzards Bay are within a bay which I believe would be held and should be held to be inland water.

Mr. DOUGLAS. Has it not always been so regarded?

Mr. HOLLAND. It has; but the point I am making is that the Supreme Court time after time has used general language, which it regarded as having no particular effect when it later decided the California, Texas, and Louisiana cases.

Incidentally, let me call this further fact to the attention of my distinguished friend from Illinois. Those who adopt his view in this matter are very reluctant to give any force and effect at all to obiter dicta, or statements made by the court in decisions which were not necessary to a determination of the facts in the case.

Mr. DOUGLAS. Such statements are irrelevant and not germane.

Mr. HOLLAND. Yet they are asking us to give attention to obiter dicta in connection with the California, Texas, and Louisiana cases, in their finding, for

instance, that the Thirteen Original States never had jurisdiction out to sea beyond 3 miles, and in the references of the Court to other States of the Union which were not before the Court at the time.

So we shall ask and hope that the distinguished Senator will be consistent, and when he claims the benefit of obiter dicta, he will be gracious enough to admit that obiter dicta have the same effect when pronounced by 48 judges of the Supreme Court over a long series of years, each of whom said, in effect, that it was his understanding that the States owned the lands under their waters out to their boundaries, including both tidal waters and inland waters.

Therefore the question of obiter dicta must be allowed play in both directions in a discussion of this subject.

Mr. DOUGLAS. I am perfectly willing to let it apply in both directions. The Senator from Illinois, as the Senator from Florida well knows, is not a lawyer, and cannot contend with him in legal ability. But the Senator from Illinois understands that the decision of the Supreme Court in the California case was to the effect, first, that the Original Thirteen States could not have ownership in and title to any of the lands situated seaward from the low-water mark, because it was generally asserted first by the Federal Government in 1793, under Thomas Jefferson, that the Federal Government had ownership of and title to such lands.

Mr. HOLLAND. Mr. President, let me interrupt at this point to say that none of the Thirteen Original States was before the Supreme Court.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. None of the Thirteen Original States was a party, nor was the bottom land of those States before the Court. So, the decision of the Court, and the effort to deprive the Thirteen Original States of their opportunity to be heard by the Court, is on a par with what recently happened when the former President of the United States sought to declare a naval oil reserve not merely over the lands and waters of California, Texas, and Louisiana, which States had had their day in Court, but also over the waters of Mississippi, Alabama, Florida, and other States, both on the Pacific and the Atlantic, ignoring the fact that they never had had their day in Court, but showing complete willingness to reach out and grab the land for the United States Government, in such a way as to deprive sovereign States of a right to be heard by their Court, our Court, the United States Supreme Court.

Mr. DOUGLAS. Will the Senator from Florida permit the Senator from Illinois to observe that he proves too much? He said that the Supreme Court indulged in obiter dictum in the California case, because it cited the fact that the Original Thirteen States did not possess ownership of or title to submerged lands. But this was precisely the opposite argument to that which was advanced by the State of California as the basis of her claim. California argued that the Original Thirteen States did have ownership in and title to the submerged lands; and that, since it came into the Union on an equal footing with the Original Thirteen States, it was entitled to the submerged lands off its shores also.

In elaborating its ruling denying the validity of this California argument, the Supreme Court conceded the application and validity of the equal-footing clause in the statute admitting California to the Union.

So, if the Senator from Florida says that the decision of the Supreme Court as to the Thirteen Original States and as to the equal-footing clause is obiter dictum and therefore falls, then the claims of Texas, Florida, California, and Louisiana, all of which came in after the Thirteen Original States were admitted, fall also. I do not believe that in any of the cases the Supreme Court was indulging in obiter dictum. Those sections of the decisions which we are discussing seem to me relevant and necessary to the Court's rulings.

Mr. HOLLAND. That would be very exciting if it should be the fact. However, as a matter of fact, not one of the Thirteen Original States had had its day in Court, as Florida, Alabama, and Mississippi have not had their day in Court, and as the two States on the Pacific seaboard north of California have not had.

The only place now existent in all the Nation where this question can be reasonably settled, so as to obviate the absolute necessity of litigation affecting each of these States, and also the necessity of litigation affecting countless local communities and private individuals, is the Congress of the United States; and here is where we are trying to settle the question, in order to obviate hundreds or thousands of cases which may otherwise have to be filed, and to obviate long delays such as have already occurred in the California case for example, in which approximately 6 years have elapsed since the Supreme Court committed the question to a special master to determine where the boundary of 15½ miles of inland waters was on the shore of California. They are still struggling over those 15½ miles, out of a thousand miles of coastline of the good State of California; and they have not yet reached Oregon or Washington, and they have not yet reached the other coastal States.

Nevertheless, the Senator from Illinois, and the Senators who join with him, apparently do not want to see this question settled, ignoring the fact that Congress is the only place where it can be settled, and ignoring the further fact that Mr. Justice Black in writing the majority decision in the California case, almost closed his opinion with a statement—I think it is the next to the last paragraph—to the effect that he and the Court do not believe that the Congress of the United States will be unjust to States, local communities, and literally thousands of private owners.

I do not see how he could have made any more clear the suggestion that in Congress was the place for the question to be settled. We are trying to settle it. We hope that we may have the cooperation to that end of the distinguished Senator from Illinois and of his friends.

Mr. DOUGLAS. Let me say that it is the desire of the Senator from Illinois and the other Senators who hold similar opinions on the pending resolution to treat both the coastal States and the private lessees with complete equity. In the so-called Anderson bill, S. 107, which we are sponsoring, we are proposing to turn over to the coastal States 37½ percent of all royalties obtained from resources inside the 3-mile limit, and to continue unchecked the rights of the existing lessees from the States.

So the idea that the Federal Government and those of us who are supporting the claims of the Federal Government are trying to gouge the coastal States or their lessees is not well taken.

Mr. HOLLAND. I think the Senator from Illinois should have said, because he has more of a case than he has indicated, that he and his associates are willing in their bill to quiet the title to some billions of dollars' worth of submerged lands off the States.

Mr. DOUGLAS. The Senator will point that out.

Mr. HOLLAND. At this time I wish to comment on it, because I believe it is a completely inconsistent and discriminatory provision.

It happens that the State of Florida has almost throughout its length beaches which are susceptible of development. It has hundreds of miles of beautiful beaches, where cities, hotels, apartments, boating facilities, and other developments can be erected. Unfortunately, the State of Louisiana does not have that kind of coastline, but it has along its coast great assets of a different kind.

The Senator from Illinois and his associates have been suggesting to the Senator from Florida and to other Senators whose States are in a similar situation, "If you go along with us, we will quiet the title of your own State and your own public units and your own thousands of private owners to these properties if you will help us take away from Louisiana and Texas what they happen to have along a coastline that is completely different from yours."

Mr. President, I do not think that is equity. I believe it is discrimination. I believe that all the values, whatever there are, within the coastal belt lying off the shores of the several States—and in different places the values vary—have to be considered at one time. So far as I know, there is no oil in the submerged lands lying off the State of Florida. Many millions of dollars have been spent in an effort to discover oil there, but no oil has yet been discovered. However, I wish to have equity done to Texas, Louisiana, and California.

Furthermore, if oil were to be discovered off the coast of Florida, I do not wish to have settled in Washington, far removed from the scene of production, the question of whether oil-development operations should be had just off of the front steps of a hotel in Miami or of a hotel in Jacksonville or of a hotel in Palm Beach. I want there to be local control regarding the question of how that development shall occur, and I believe that is the only sound kind of control.

It seems to me that the distinguished Senator from Illinois and his friends

have been trying as hard as they could to make this matter exclusively one of oil, for they have been willing to give away everything else, provided only that they can hold on to some oil and gas assets which are found in portions of only 3 States out of the approximately 20 or 22 States which are affected, not including the Great Lakes States. It seems to me that is not equity; and I hope my distinguished friend from Illinois will reexamine the situation and will determine whether in his judgment it is equity to give to one State all it can claim, simply because its frontage happens to be of the type I have mentioned, but to deny to a sister State, which has a different type of frontage, the enjoyment of the properties which are found off its shores.

Mr. PASTORE. Mr. President, will the Senator from Florida yield to me?

The PRESIDING OFFICER (Mr. POTTER in the chair). Does the Senator from Florida yield to the Senator from Rhode Island?

Mr. HOLLAND. I yield.

Mr. PASTORE. The Senator from Florida at the beginning of his remarks this afternoon pointed out that the comparative acreage which would be under State control, as against Federal control, under the provisions of Senate Joint Resolution 13, would be, I believe, five-sixths, as compared to one-sixth.

Mr. HOLLAND. No.

Mr. PASTORE. Or perhaps it was nine-tenths, as compared to one-tenth.

Mr. HOLLAND. Nine-tenths as compared to one-tenth in the case of the area; five-sixths as compared to one-sixth, in the case of the estimated production of oil and gas, as determined by the best estimates available.

Mr. PASTORE. That leads me to a question which I should like to ask the distinguished Senator from Florida. Has there been any reliable estimate, or any estimate that is reliable in the judgment of the senior Senator from Florida, as to what the comparative resources would be in terms of the value of the oil, as against the five-sixths and the one-sixth?

Mr. HOLLAND. I would know of no basis for fixing that value, except the barrel basis, which would be the same in both places.

However, in the deeper water in the offshore belt it is quite possible that the cost of production would be greater than it would be in the more narrow belt along the States. Except for that difference, I see no difference between a barrel of oil produced 10 feet beyond a State boundary and a barrel of oil produced 10 feet within a State boundary.

Mr. PASTORE. Neither do I see any difference at all.

The reason for my question is that there have been many estimates as to the worth of these oil resources. I have heard the figure $40 billion mentioned. Does the Senator from Florida believe that estimate to be correct?

Mr. HOLLAND. I believe that estimates of that size, and even greater estimates—and some of the estimates have amounted to as much as $300 billion—are simply figments of someone's imagination, because the best qualified experts in this field have arrived at much smaller estimates. I am glad the Senator from Rhode Island has asked the question.

The amount of proved reserves now existing offshore California, Texas, and Louisiana is 259 million barrels only. The Senator from Rhode Island will find the figures on that point in table V in the hearings. The amount of the estimated proved reserves appears on page 577, in table V. There the Senator from Rhode Island will find that, according to the testimony of the geological experts of the Department of the Interior, it is stated that the complete estimated proved reserves within State boundaries are as follows:

Eighty-four million barrels, in the case of Louisiana.

Fifteen million barrels of oil, in the case of Texas, together with 75,000,000 thousand cubic feet of gas.

In the case of California, 160 million barrels of oil—or a total of 259 million barrels of oil.

That is approximately a 32 days' supply of oil for this Nation. That is all the oil that is known to exist within State boundaries, as stated by the geological experts.

The royalties to accrue over a period of 25 or 30 years constitute only a small amount. My recollection is that all-told it would be approximately $50 million to the Federal Government and approximately $30 million to the State governments. However, as to that the Senator from Rhode Island can make his own computations.

With reference to the estimated reserves which are seaward of traditional State boundaries, the Senator from Rhode Island will see the figures stated in the lower portion of the same table.

Mr. President, I think it would be well at this point for me to ask unanimous consent that table V, as it appears on page 577 of the hearings, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE V.—*Estimated proved reserves*

FIELDS WITHIN THE AREA CLAIMED BY UNITED STATES BUT LANDWARD OF TRADITIONAL STATE BOUNDARIES

State and product	Number of proved fields	Estimated proved reserves
Louisiana: Oil or oil and gas.	5	84,000,000 barrels.
Texas:		
Oil	2	15,000,000 barrels.[1]
Gas	1	75,000,000 thousand cubic feet.[1]
California: Oil	5	160,000,000 barrels.

FIELDS SEAWARD OF TRADITIONAL STATE BOUNDARIES

Louisiana:		
Oil or oil and gas	17	335,000,000 barrels.
Gas [2]	[2] 14	2,100,000,000 thousand cubic feet.
Texas	None	None.
California	None	None.

[1] Estimates based on incomplete data.
[2] Includes 2 gas and 12 oil and gas fields.

Mr. HOLLAND. The Senator from Rhode Island will notice from the table that the only estimated proved reserves outside the traditional boundaries of the States are in Louisiana, where they are stated to be 335 million barrels. Of course, under the philosophy of the pending measure, that is wholly the property of the Federal Government, and is so confirmed by the pending joint resolution.

With reference to the areas in general, and the estimates of the amount of oil to be found, as given by these experts in the field of geology, the Senator will find those figures on another page of the printed report, page 584. If he will turn to that page, he will find that the total estimated amount, nonproved and proved—the table includes both—in the case of Texas, within its State boundaries, is 1.2 billion barrels, and for the entire Continental Shelf off the Texas coast including the 1.2 it is 9 billion barrels. In the case of Louisiana, he will find that 0.25 billion barrels is estimated as the total amount, both proved and unproved, within State boundaries off the Louisiana coast; whereas, for the entire Continental Shelf off the Louisiana coast the estimate is 4 billion barrels. In the case of California, the similar amounts are 1.1 billion barrels within the 3 sea miles, or 3½ land miles, of the coast, and for the entire Continental Shelf off the California coast, 2 billion barrels, including the 1.1 billion barrels; or a total overall of 15 billion barrels estimated, both proved and unproved, of which 13 billion barrels are outside State boundaries, and 2-billion-plus barrels are estimated to be within State boundaries.

So the Senator will see that, even using the maximum figures estimated by the geologists of the Department, we are talking about something over 2 billion barrels within all the State boundaries, to be produced over the next 25, 30 or some say even 50 years. Consequently, the amounts of money to be figured by way of royalties are indeed small as compared to the astronomic figures I have heard mentioned over the radio and have read in some of the newspaper columns. There is no just basis at all for such astronomic figures.

Mr. PASTORE. Does the resolution, Senate Joint Resolution 13, make any claim whatever to a percentage of the oil that is beyond the so-called statutory boundary?

Mr. HOLLAND. None whatever. To the contrary, the joint resolution (S. J. Res. 13), in section 9—which I hope the Senator will read—makes it very clear that not only will all the natural resources in the outer shelf appertain to the United States, but that the jurisdiction and control of everything in the outer shelf is confirmed in the United States.

The unfair, untrue propaganda about this measure has gone to such an extent as to make people shudder, when what they are really anxious to get at is the facts. The very idea that some columnists and some commentators, too, have stooped to the practice of reporting, where all can hear it, such extravagant claims as that there are involved 200 billions of barrels of oil, or 300 billions of barrels, and that the share for one State for a certain year, if it were split among the States, would be $9 million. I heard such a statement over the air

not long ago, as to one of our smaller States.

Such statements are so completely variant from the facts as to be disturbing; but, under our system of free speech, such is the latitude given to permit the propagandizing of people who only want to know the facts. I may say that they are gradually getting the facts, because conservative papers and some of the conservative broadcasters have finally come to the point of telling the facts just as they were told in the two editorials which the Senator from Florida placed in the RECORD earlier, the one from the Washington News, the other from the Washington Star. I thank the Senator from Rhode Island for his questions.

Now, Mr. President, I come to the legal case, and I shall yield for questioning at the termination of my discussion of that phase. Because of the recent rulings of the Supreme Court, it is necessary to consider briefly the legal questions involved in this controversy. I shall not deal with them at length, for many reasons. In the first place, they have been hashed and rehashed in the hearings and in the debates. In the next place, there are two Members of the Senate, namely, the Senator from Texas and the Senator from Louisiana, who are so much better qualified than is the Senator from Florida to speak about all the legal details that he yields to them, and particularly, because the Senator from Florida feels that what the Senate wants in this RECORD and what the people are hungry for are the facts in this case. So it is to the facts to which the Senator from Florida will largely confine himself after this brief discussion of the legal case.

THE LEGAL CASE

In the face of exceptionally strong evidence of historic ownership and use of the submerged coastal lands by the respective States, the Supreme Court in its latest decisions has seen fit to declare that the Federal Government holds paramount rights in these lands.

This holding contravenes the earlier beliefs of the Supreme Court as frequently stated by them.

State ownership of the offshore lands in question had always been recognized by the Federal courts in their decisions up until the recent decision in the California case. As a matter of fact, even in the California case, in the majority opinion, Mr. Justice Black frankly concedes that the United States Supreme Court had in previous decisions—

> Many times * * * used language strong enough to indicate that the Court then believed that State not only owned tidelands and soil under navigable inland waters but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not.

Those are the words of Mr. Justice Black, who wrote the majority decision against the States, in the California case, and even he recognized that he had to change the law to reach that decision, because of the fact that so many Justices before that time, in statements which he held to be obiter dicta—and I think they were—had so frequently and clearly held that there was no question as to their belief that the States did own the soils beneath their navigable waters, whether inland or outside. Certainly the record bears out this statement of Mr. Justice Black, and I should like at this time to insert as a part of my remarks a list of the Supreme Court Justices who, in their written opinions, held and expressed, through the many years of the life of this Nation, just such a belief.

The PRESIDING OFFICER. Is there objection?

There being no objection, the list of Justices was ordered to be printed in the RECORD, as follows:

LIST OF JUSTICES

Chief Justice Harlan Fiske Stone, Chief Justice Charles Evans Hughes, Associate Justice Louis D. Brandeis, Associate Justice Benjamin M. Cardozo, Associate Justice Owen J. Roberts, Associate Justice Willis Van Devanter, Associate Justice George Sutherland, Associate Justice Pierce Butler, Associate Justice James C. McReynolds, Chief Justice William Howard Taft, Associate Justice Oliver Wendell Holmes, Associate Justice Edward Terry Sanford, Chief Justice Edward Douglas White, Associate Justice Joseph McKenna, Associate Justice William R. Day, Associate Justice Mahlon Pitney, Associate Justice John H. Clarke, Associate Justice John Marshall Harlan, Associate Justice Horace H. Lurton, Associate Justice Joseph R. Lamar, Chief Justice Melville W. Fuller, Associate Justice David J. Brewer, Associate Justice Rufus W. Peckham, Associate Justice William H. Moody, Associate Justice Henry B. Brown, Associate Justice George Shiras, Associate Justice Stephen J. Field, Associate Justice Horace Gray, Associate Justice Howell E. Jackson, Associate Justice Joseph P. Bradley, Associate Justice Samuel Blatchford, Associate Justice Lucius Q. C. Lamar, Associate Justice Samuel F. Miller, Chief Justice Morrison R. Waite, Associate Justice Nathan Clifford, Associate Justice Noah H. Swayne, Associate Justice David Davis, Associate Justice William Strong, Associate Justice Ward Hunt, Chief Justice Salmon P. Chase, Associate Justice James M. Wayne, Associate Justice Samuel Nelson, Associate Justice Robert C. Grier, Chief Justice Roger B. Taney, Associate Justice Joseph Story, Associate Justice John McLean, Associate Justice John McKinley, Associate Justice Peter V. Daniel.

Mr. HOLLAND. Mr. President, I will not take up the time of the Senate to read this entire list, but I do call to your attention the fact that the names of such jurists as Charles Evans Hughes, William Howard Taft, Oliver Wendell Holmes, and Louis D. Brandeis, appear on this list of 48 Justices.

After reading many opinions of the Supreme Court regarding this subject, I agree with the statement found on page 7 of the report which the Senate Judiciary Committee filed on the submerged lands question in the second session of the 80th Congress. After quoting the excerpts from the opinion of Mr. Justice Black cited above, the Senate committee said:

> Thus the Court by its decision not only established a law differently from what eminent jurists, lawyers, and public officials for more than a century had believed it to be, but also differently from what the Supreme Court had believed it to be.

This decision has resulted in chaos and complete instability, and as a matter of sound public policy must be corrected. This is the only place where it can be properly corrected. As you know, in the decision in the California case the Court was divided 6 to 2, and in the Texas case the division and by the even closer margin of 4 to 3, and obviously a change in the personnel of the Court could very easily cause a reversal of this decision. This fact alone causes confusion and instability.

Mr. President, when people who are asked to invest, or who wish to invest, millions of dollars for a certain development in this area, are aware that the Supreme Court itself is just as evenly divided as it is possible to divide it, they know perfectly well that the law may be changed overnight with the accession of a new judge, and so they hesitate to invest, and as a result, development is stayed.

The second situation of instability is the refusal of the Supreme Court to rule on the question of title, which refusal has immeasurably increased the difficulty. The certain result will be long and complicated litigation.

Mr. President, I desire to say, to the credit of the Department of Justice, that it realized this, and asked in its prayer that the title be determined. When the first decision came down in the California case, it failed to determine the title, but simply announced in whom paramount right lay, and held that the States did not have title. The Department of Justice again realized how much confusion the decision was causing, and it went back to the Supreme Court and asked the Court to rewrite its opinion and decision so as to determine and decide the question of title. The Court failed to do so. I say that fact constitutes another element of grave instability which shakes the chance for any titles to be permanently established in the area which is affected, and it also kills the chance of any development moving forward.

Further complicating future litigation, the court will be faced with many differences in the various State constitutions. That is another matter causing instability.

A good illustration of this arises under the Washington State Constitution. In this case, the State of Washington in its constitution, ratified before it became a State, specifically asserted its ownership to the beds and shores of all navigable waters within its boundary which was fixed at 1 marine league in the Pacific Ocean.

The Court is never going to reach the ultimate problem until it gets to the State of Washington, because the constitution of that State specifically recites in one of its articles that the State has complete sovereignty over the area lying within its border, which is fixed at 3 miles offshore.

The Constitution of the State of Florida, adopted February 25, 1868, ratified by the people of Florida May 4 to 6, 1868, and approved by Congress June 25, 1868, fixing the State boundaries on the West coast in the Gulf of Mexico at 3 leagues from the land, presents still another variation. The constitutions of the Original Thirteen States present still further and varied problems in this regard. It is easy to see that these varying situations in the several States will necessarily cause much confusion and multiplicity of litigation.

I pause long enough to say, Mr. President, in view of the fact that the con-

stitutions and the laws in various States are different, that if the Government had taken a proper attitude it would have required that each coastal State be given the right to have its own situation litigated before it began to reach out and grab submerged lands in States which have not had their day in court, as it did in the recent past.

Still further instability in the present completely unsettled condition appears when we note that although the California case was decided by the Supreme Court in 1947, now, almost 6 years later the Court has not yet determined what is the coast line of the proven oil-bearing 15½ miles of their nearly 1,000-mile-long coast so that it can be ascertained where the paramount rights of the Federal Government begin. I predict that if Congress does not act by passing our bill or a similar measure such inaction will bring endless years of litigation, completely defeating for generations any stability of title and all hope of adequate development in our marginal belt.

Mr. President, in our State we can feel this situation. We know that development in this disputed area stopped when the decisions were announced. We do not want that condition longer to continue. We do not think it is in the interest of the United States as a whole that such a situation should continue in our State or in any other State, because when wealth is created in Florida it serves the whole Nation, and when industries are created in any of the other States the wealth is distributed to the entire Nation.

Mr. President, the time allowed is too brief to permit a summary of the great mass of testimony presented in hearings before congressional committees which substantiates the sound legal and historic position of the States. I think that the dissenting opinion of Mr. Justice Reed in the California case clearly states the fundamental legal question in the following words:

> The original States were sovereignties in their own right, possessed of so much of the land underneath the adjacent seas as was generally recognized to be under their jurisdiction. The scope of their jurisdiction and the boundaries of their lands were coterminous. * * * California, as is customary, was admitted into the Union "on an equal footing with the original States in all respects whatever" * * *. As was the rule, title to lands under navigable waters vested in California as it had done in all other States * * *. The authorities cited in the Court's opinion lead me to the conclusion that the original States owned the lands under the seas to the 3-mile limit.

I think it is fair to say that the expert testimony presented by the States in early hearings before congressional committees, substantiates over and over again the soundness of the legal position of the States as approved by Mr. Justice Reed.

To think of carrying the new doctrine of paramount rights to its logical conclusion is most disturbing. It threatens the very fundamentals of property rights and ownership. This fact has been clearly expressed by two of the most outstanding legal groups in this country. The American Bar Association, after careful investigation and consideration, expressed the following conclusion:

> The new concept that the Federal Government has the paramount right to take property without compensation because it may need that property in discharging its duty to defend the country and conduct its foreign relations can have no logical end except that the Federal Government may take over all property, public and private, and under this theory the Federal Government could nationalize all of the natural resources of the country without paying the owners therefor, wholly in disregard of the fifth amendment.

With this very same thought in mind, the National Association of Attorneys General expressed their deep concern in the following comment:

> The principles of the tidelands decisions, if not erased from the law of the land by act of Congress, could lead to nationalization of private lands as well as State lands without compensation.

Many other responsible organizations, too numerous to list at this time, have expressed this same view. They have sounded the warning, and I firmly believe that the 83d Congress, heeding this warning, will approve and pass our resolution, as necessary legislation, and that the President will approve it.

Mr. President, that concludes my dealing with the legal features, and I shall go on to the next subject, if there is no question.

Mr. President, it is no new thing for the Congress to supplant and overturn by legislation an opinion of the Supreme Court which it regards as unsound. An interesting and significant parallel to the submerged land cases is found in the case of *United States* v. *Wyoming* (331 U. S. 440 (1947)). The United States filed suit against the State of Wyoming and the Ohio Oil Co., its lessee, claiming ownership of certain Wyoming lands as part of the Federal public domain. Wyoming claimed the lands as State school lands, and acting on the belief that it was the owner, it had, in good faith, leased the lands for oil production to the Ohio Oil Co. Wyoming believed and claimed that, upon its admission to the Union, section 36 of each township vested in the State as school lands.

The United States claimed that under the act admitting Wyoming to the Union school lands would not become vested in the State until the date of the approval of the official survey of such lands, and if prior to such approval, the Federal Government had made some other disposition of the lands, the State could select substitute lands. In this case, the land which had been leased to an oil company had been placed in a petroleum reserve by Presidential order issued prior to the date of the approval of the official survey.

Follow this closely, Mr. President.

The Supreme Court, in the Wyoming case, unanimously upheld the United States contentions and the judgment was that the lands leased to the oil company never did vest in the State of Wyoming but belonged to the United States.

The case is parallel to the California, Texas, and Louisiana cases in that, in all four situations, the States had, in good faith, leased lands within their boundaries for oil development, acting on the belief that they owned such lands. Indeed the equities of the three coastal States based on prior court decisions and on the long recognition of State ownership by the United States, are much stronger in their submerged land cases than they were in behalf of the State of Wyoming in the Wyoming case.

Nevertheless, on July 2, 1948, Congress unanimously passed an act directing the Secretary of the Interior to issue a patent vesting title to the disputed lands in the State of Wyoming, and the patent was issued.

Every Member of Congress felt that it was the right thing to do. The State of Wyoming had proceeded in good faith; the oil company which had made the lease had proceeded in good faith; very large investments had been made in good faith. Under the act, there was turned back to the State more than a million dollars which had been impounded by the court.

The State of Wyoming was not content with one effort to correct the matter. It came to Congress session after session, Congress after Congress, until its rights were recognized, and they were recognized by a complete upsetting of a unanimous decision of the Supreme Court in favor of the United States. Wyoming's rights were recognized because it was the considered opinion of Congress, and of all of its Members, that when a State had operated under a great undertaking with the Federal Government, and had believed it had a right to act as it had with respect to the particular 160 acres of land involved, and had done so, and the matter had stood for years without question, it was in the interest of morality and equity that the situation which had existed up until the time of the contract should be upheld legally and recognized.

Mr. President, I yield again for any questions which Senators may desire to ask.

I come now to what I believe is the strongest feature of the States' case, namely, that it is based on equitable and moral grounds of the highest value, but which the Supreme Court of the United States was not able to consider, and which it ruled out of consideration when, for instance, it refused to allow our distinguished colleague, the junior Senator from Texas [Mr. DANIEL], who at the time was attorney general of his great State, to prove his case, and refused to let him take testimony in support of practices between the Federal Government and the State since 1845.

The Supreme Court simply said—and perhaps it was correct in so saying—"We cannot consider these equitable defenses in this kind of case."

But, Mr. President, Congress is the place where equitable defenses can be considered.

EQUITABLE AND MORAL CASE

One important aspect of the strong case of the States—as well as of numerous private persons whose titles depend upon grants from the States—flows from the long and continuous course of dealing between the Federal Government and the States relative to these submerged lands, and the equally long course of dealing between States and citizens based upon the disclaimer of interest by the Federal Government and its agents.

I am well aware of the fact that in the majority opinion of the Supreme Court in the California case Mr. Justice Black ruled that the ordinary rules of acquiescence laches, estoppel, adverse possession, and prescription could not operate against the sovereign Federal Government. He said, "and even assuming that Government agencies have been negligent in failing to recognize or assert the claims of the Government at an earlier date, the great interests of the Government in this ocean area are not to be forfeited as a result. The Government, which holds its interest here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property."

However, I do not believe that either Congress or the general public, which has a great stake in the matter, would ever allow their views to be controlled by such a narrow legal principle, without considering as important the facts which existed in 150 years of dealing between the Federal Government and the sovereign States and, flowing out of that background, between the States and thousands of individual citizens. It seems to me that this long course of dealing creates a strong equitable and moral case, on behalf of the States and their grantees, which merits discussion.

Aside from the long series of Court pronouncements, already mentioned, and which preceded the California case, the executive branch of the Federal Government had recognized State ownership of the tidelands for many years prior to the present controversy.

We have already heard quotations from the judicial branch of the Government, but now I shall refer to the executive branch. Particularly is the attitude of the executive branch exemplified in its frequent acquisition from the States of locations for jetties and other submerged lands. The State of California, in a list which is incomplete, cited in its Brief 195 instances in which various coastal States—or their municipalities—had granted submerged lands to the United States at the request of some agency or department of the Federal Government. The Justice Department claimed that many of the granted lands were within the inland waters but even the Justice Department conceded that 14 of the grants were clearly in the marginal belt and that many others were doubtful.

I am now speaking about concessions made in open court during the hearing of these cases. The Federal Government recognized the fact that at least 14 of the cases represented instances in which the Federal Government had bought from States or local municipalities or private owners lands which were outside inland waters and were in the coastal belt.

Moreover, it is significant that the United States, in acquiring submerged lands by grants from States, never made any distinction between ownership in the inland waters and in the marginal belt. Apparently no one acting for the United States ever knew or believed that any such distinction existed. All submerged lands within the States' boundaries were recognized as belonging to the State, whether the land was within a bay or harbor, or merely within the 3-mile belt. This was demonstrated by the uniform treatment on the part of the United States of all grants to acquire submerged lands from the States.

It would take too long to list all of the State grants of this type, but we have several acquisitions in Florida which are directly in point. For the sake of brevity, I would like to call attention to two of these cases. In 1938 Florida granted to the United States about 450 acres of land extending some 2¾ miles out under the Atlantic Ocean from the mouth of the St. Johns River. With the border 3 miles out, the 450 acres went to within a quarter of a mile of the border. A deed was requested from the State of Florida by the War Department on behalf of the United States to a parcel of land beginning at what is called Xalvia Island, lying just off the mouth of the St. Johns River, as the location of a jetty.

I hope Senators will follow this explanation, because it shows so clearly the course of dealing between the Federal Government and the State of Florida that no one ever could question what both parties believed about the matter.

This grant is of peculiar interest because the State of Florida reserved in the grant a three-quarters undivided interest in all phosphate and minerals in or under the granted lands and an undivided one-half interest in all petroleum under the granted lands.

In other words, those were the conditions in the deed which the Federal Government negotiated with, secured, and accepted from the State of Florida in the acquisition of a location for the construction of jetties at the mouth of the St. Johns River.

It seems clear that this reservation by the State in granting its submerged offshore lands and the acceptance by the United States of the grant subject to this reservation constituted a contract in which Florida's title to these lands and minerals was recognized. As an illustration of this type of dealing, I ask that a copy of the deed in this matter be inserted in my statement.

There being no objection, the deed was ordered to be printed in the RECORD, as follows:

INTERNAL IMPROVEMENT FUND, STATE OF FLORIDA

DEED NO. 18,471

Know all men by these presents, that the undersigned, the trustees of the internal improvement fund of the State of Florida, under and by virtue of the authority of section 1061 of the Revised General Statutes of Florida, and according to the provisions and procedure provided for in section 1062 of the Revised General Statutes of Florida, and for and in consideration of the sum of $1 and other good and valuable consideration to them in hand paid by United States of America whose permanent address is Washington, D. C.

——— County, Fla., receipt of which is hereby acknowledged, have granted, bargained, sold, and conveyed to the said United States of America and its assigns, forever the following-described lands, to wit:

A certain tract or area lying and being in the southeastern part of Little Fort George or Xalvia Island in township 1 south, range 29 east, Tallahassee Meridian, portion of said tract or area being a part of Little Fort George or Xalvia Island.

Said tract or area being further described as—

Beginning at a point 2,439 feet easterly from the west line of section 20, measured perpendicular to said section line, from a point in said section line 2,396.6 feet southerly from the northwest corner of section 20. Said "point of beginning" being 850 feet easterly from a United States Engineer Department survey mark called station VII, measured along the axis of the North Jetty, whose bearing is S. 72°55'20" east;

Thence northerly 500 feet measured perpendicular to the axis of the North Jetty to a point;

Thence easterly parallel with and 500 feet distant from the axis of the North Jetty, a distance 6,450 feet, more or less, to a point;

Thence easterly, parallel with and 500 feet distant from the axis of the North Jetty whose bearing is S. 80°18'20" E., a distance of 6,450 feet, more or less, to a point 500 feet northerly from the axis of the North Jetty, in a line drawn at right angles to said axis, at the east end of the North Jetty;

Thence, southerly along said line 1,500 feet to a point 1,000 feet distant from the axis of the North Jetty;

Thence, parallel with and 1,000 feet distant from the axis of the North Jetty a distance of 6,600 feet, more or less, to a point;

Thence, parallel with and 1,000 feet distant from the axis of the North Jetty a distance of 6,600 feet, more or less, to a point 1,000 feet southerly from the point of beginning measured perpendicular to the axis of the North Jetty;

Thence, northerly 1,000 feet to the point of beginning.

Continuing 449.5 acres, more or less, and lying and being in the county of Duval, State of Florida.

To have and to hold the said above-mentioned and described lands and premises, and all the title and interest of the trustees therein as granted by section 1061 of the Revised General Statutes of Florida, unto the said United States of America and its assigns, forever.

Saving and reserving unto the trustees of the internal improvement fund of Florida, and their successors, an undivided three-fourths interest in and title in and to an undivided three-fourths interest in all the phosphate, minerals, and metals that are or may be, on, or under the said above described lands, and an undivided one-half interest in and title in and to an undivided one-half interest in all the petroleum that is or may be in or under the said above-described land, with the privilege to mine and develop the same.

In witness whereof, the trustees of the internal improvement fund of the State of Florida have hereunto subscribed their names and affixed their seals, and have caused the seal of the Department of Agriculture of the State of Florida to be hereunto affixed, at the capitol, in the city of Tallahassee, on the 28th day of December, A. D. 1938.

FRED P. CONE,
Governor.
J. M. LEE,
Comptroller.
W. V. KNOTT,
[SEAL] *Treasurer.*
GEORGE COUPER GIBBS,
Attorney General.
NATHAN MAYO,
Commissioner of Agriculture.

Sent to district engineer, United States Engineer Office, War Department, Post Office Box 4970, Jacksonville, Fla., December 30, 1938.

Mr. HOLLAND. Mr. President, that is a copy of the deed, as it was accepted and recorded. I wish to read the reservation clause merely to show that the Federal Government, far from claiming

the oil and other minerals in the offshore lands, not only admitted that they were in State ownership, but actually permitted the State to save, reserve, and except them in the formal deed. I read the reservation:

Saving and reserving unto the trustees of the internal-improvement fund of Florida, and their successors, an undivided three-fourths interest in and title in and to an undivided three-fourths interest in all the phosphate, minerals, and metals that are or may be in, on, or under the said above described lands, and an undivided one-half interest in and title in and to an undivided one-half interest in all the petroleum that is or may be in or under the said above described land, with the privilege to mine and develop the same.

So much for that particular transaction. A question arose in the committee hearings as to whether or not that deed had been approved by counsel for the Federal Government. Request was made by the committee for a search of the files. I find that the Department of Justice assigned this matter to be investigated by the land attorney who was an assistant in the office of the United States attorney for the southern district of Florida. The title was examined by him, and he made a written report upon the title to Hon. H. T. Bock, chief administrative assistant, United States engineer office, Jacksonville, Fla., approving it, including the reservation. This report contained a showing of the soundness of the title which was being procured.

I ask unanimous consent that a copy of the approving opinion be printed in the RECORD at this point as a part of my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY,
SOUTHERN DISTRICT OF FLORIDA,
Jacksonville, January 14, 1939.

Hon. H. T. Bock,
Chief Administrative Assistant,
United States Engineer Office,
Jacksonville, Fla.

DEAR SIR: I am in receipt of your letter of January 4, 1939, enclosing deed No. 18471, which instrument is a deed from the trustees of the Internal Improvement Fund of the State of Florida to the United States of America.

This deed is in proper form and the execution of same is in proper form.

This office has not proofread or checked the description.

It will be noted that this deed contains a saving and reserving clause, that is, the trustees of the Internal Improvement Fund of Florida have conveyed to the United States of America the fee simple title to the lands described in said deed, saving and reserving to the State of Florida an undivided three-fourths interest in and title in and to all the phosphate minerals and metals that are in or may be in, on, or under said lands. This saving and reserving clause also saves and reserves in the trustees of the Internal Improvement Fund of Florida an undivided one-half interest in all the petroleum that is or may be in or under the said land.

With this last reservation, this deed conveys to the United States of America fee simple title.

Deed No. 18,471 is returned herewith.

Yours very truly,

HERBERT S. PHILLIPS,
United States Attorney.
By DAMON G. YERKES,
Assistant United States Attorney.

Mr. HOLLAND. I cite one more Florida case. In 1939, at the request of the War Department, the State of Florida granted a permit to the United States to deposit material obtained from dredging the entrance channel to Crystal River in the Gulf of Mexico. This particular case relates to the Gulf of Mexico. The case which I previously cited related to the Atlantic. The areas covered by this permit extended about 2 miles into the Gulf of Mexico. This document was made subject to the condition that the permit and the authorization granted to the War Department should not affect or impair the title to the bottoms used for the spoil areas, and stated that in the event, through the deposits of excavated material, the areas or any of them were raised to an elevation of 5 feet or above, as referred to mean low water, the previous authority conveyed by the permit should revert to the State of Florida on the condition that authority be granted for using other areas for like purposes. In other words, any substantial islands created by the deposit of the spoil should go back to the State of Florida. In order that the Senate may examine the document in its entirety, I ask leave at this point to insert a copy of the permit as part of my statement.

There being no objection, the permit was ordered to be printed in the RECORD, as follows:

PERMIT FOR DEPOSITING DREDGED MATERIAL ALONG NORTH SIDE OF ENTRANCE CHANNEL TO CRYSTAL RIVER, FLORIDA—TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA TO WAR DEPARTMENT OF THE UNITED STATES

Whereas pursuant to application dated March 18, 1939, from the district engineer officer, United States War Department, Jacksonville, Fla., for permit to deposit dredged material upon certain areas along the north side of the entrance channel to Crystal River, Florida; and

Whereas the trustees of the internal improvement fund are the owners of the bottoms comprising said spoil areas: Now, therefore—

This permit issued by the trustees of the internal improvement fund hereby authorizes the War Department of the United States, its agents, engineers, and/or contractors, to deposit on those certain areas indicated as spoil areas on map attached hereto, identified by the caption "Crystal River, Fla. (6-Ft. Project), Survey January 1939," and by this instrument made a part hereof, material excavated in the construction and maintenance of the entrance channel to Crystal River, Florida.

Subject to the condition that this permit and the authorization to the War Department of the United States herein described shall not affect or impair the title to the bottoms used for said spoil areas, and in the event through the deposit of excavated material thereon said areas or any of them shall be raised to an elevation of 5 feet or above, as referred to mean low water, the privileges hereby conveyed shall revert to the trustees of the internal improvement fund, conditioned, that the trustees grant authority for using other areas selected by the War Department for like purposes.

This permit shall become effective upon the execution of the same by the trustees of the internal improvement fund and its acceptance by a proper officer of the War Department of the United States.

In witness whereof the trustees of the internal improvement fund have executed this permit in duplicate this 2d day of May A. D. 1939, and the said War Department has accepted the said permit for the purposes herein described.

FRED P. CONE,
Governor;
J. M. LEE,
Comptroller;
W. V. KNOTT,
State Treasurer;
GEORGE COOPER GIBBS,
Attorney General;
NATHAN MAYO,
Commissioner of Agriculture;
As and composing the Trustees of the Internal Improvement Fund of the State of Florida.

Accepted by—

LEWIS H. WATKINS,
Colonel, Corps of Engineers, District Engineer Officer, Jacksonville, Fla.

Mr. HOLLAND. It will be noted that the permit was accepted, for the United States Government by the District Engineer, who appended his signature.

Another outstanding example of Federal recognition of the fact that the respective States own the tidelands off their shores is the transaction between the Federal Government and the State of Mississippi concerning an island off the shores of Mississippi in the Gulf of Mexico. In 1858 Mississippi granted to the United States title and jurisdiction to Ship Island in the Gulf of Mexico, and contiguous submerged lands around that island out a distance of 1,760 yards, or 1 mile, below low water mark, for construction of forts and other structures.

As long ago as 1858, the Federal Government requested from the sovereign State of Mississippi a grant of title and jurisdiction to an island in the Gulf of Mexico, and to contiguous submerged lands. Such grant was given. The grant included title and jurisdiction to submerged lands for a distance of 1 mile out into the Gulf of Mexico. The Federal Government not only accepted the grant, but used it to its advantage.

As late as 1940, 82 years later, the State Legislature of Mississippi passed an act confirming and clarifying the 1858 grant, so as to clear up title to the Federal Government.

Cases of similar transactions to those I have just mentioned, which are clearly in the marginal belt, can be found in Texas, California, Washington, South Carolina, Delaware, Rhode Island, Massachusetts, and possibly other States, but I will not further consume the time of the Senate on this point. I think the point is abundantly clear.

That the Federal Government recognized State ownership is clearly illustrated in many past rulings of the Interior and Justice Departments. In some thirty opinions from 1900 to 1937, the Department of Interior ruled that ownership of the soil in the 3-mile belt was in the respective States.

Since former Secretary of the Interior Ickes raised the first legal challenge in this matter, I think the next part of my remarks will be particularly interesting to Senators.

A letter written on December 22, 1933, by Mr. Ickes as Secretary of the Interior to an applicant for an oil lease on submerged lands off the California coast, shows clearly his administrative ruling and the declared policy of the Interior

Department on this subject before the "great change" took place. I shall quote from Mr. Ickes' letter, as it will be found in one of the hearing records. Mr. Ickes said in part:

> That title to the shore and underwater in front of lands so granted inures to the State in which they are situated. * * * Such title to the shore and the lands under water is regarded as incident to the sovereignty to the State. * * * The foregoing is a statement of the settled law, and therefore no right can be granted to you either under the Leasing Act of February 25, 1920 (41 Stat. 437) or under any public land law to the bed of the Pacific Ocean whether within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State.

In answer to a question concerning this letter from Senator LONG in the Senate committee hearings of 1951, Mr. Ickes said that this policy, as stated above, was the policy he "inherited" and was the policy when he wrote the letter. Obviously it had long been the standing policy of that agency and had been "inherited" by many Federal officials before Mr. Ickes' time. Many similar rulings were made by the Justice Department, the War Department, and other Federal agencies.

Certainly these positions taken by the Federal Government should be enough to convince any reasonable person that it repeatedly disclaimed ownership of the submerged areas within the boundaries of the maritime States.

I feel that the States had every right to rely in good faith on these repeated and frequent judicial rulings, administrative rulings of various executive agencies, and courses of dealing between the States and the several Federal agencies, covering the 150 years of time between the formation of the Union and the date when Secretary Ickes, according to his own testimony, was persuaded by the lawyers for the claimants who had filed applications for oil leases on the offshore lands to change his earlier ruling and ask the Court to rule that the offshore lands were Federal property. I feel that not only the States but also the many cities and other units of government and the thousands of private citizens who relied upon this sustained course of Federal conduct and spent countless millions of dollars in developing the waterfronts in every one of the 20 maritime States have a right to look to Congress to protect them against the clouding of their titles and the upsetting of their property values by the devastating effect of the opinions of the Supreme Court in the California, Louisiana, and Texas cases.

Perhaps the Court itself was justified in so limiting the effect of the equitable principles of prescription, adverse possession, estoppel, laches, and acquiescence that the States and private business and individuals could not now be protected against the claims of the Federal Government, by pleading these equitable defenses and sustaining them by evidence. But in my opinion this Congress has every right, and indeed a positive duty, to look into the equities of the moral considerations that are involved and, in passing our joint resolution, to protect the States, the local units of government, and private citizens against the destruction of their rights and property values which will ensue if the decisions of the Supreme Court are fully carried out. The Supreme Court refused to hear these equitable defenses based on actual dealings of a century and a half, and upon good-faith investment of billions of dollars. This Congress is now the only place where the long-standing rights of the States, the local units of government, and many thousands of citizens can be fully heard, and then recognized and protected for all time to come.

I now yield for questions, if there are any.

Mr. DOUGLAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Illinois?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. I ask the Senator from Florida if the actions and transactions of the executive to which he has referred were brought to the attention of the Supreme Court in the California case?

Mr. HOLLAND. Some of them were. A small portion of them were—enough, I think, to be illustrative. But the Supreme Court held—and I quoted that finding just before the Senator from Illinois returned to the Chamber—that in a suit against the United States Government it could not give effect to defenses of that kind. It listed certain of such defenses, including prescription, adverse possession, estoppel, laches, and acquiescence. The Court held that private individuals, States, and local units of government could not be protected under such defenses.

While the Senator was out of the Chamber I said also that even upon making effort to advance those defenses, and to sustain them by offering evidence, the junior Senator from Texas [Mr. DANIEL], then attorney general of the State of Texas, was denied by the United States Supreme Court the right to take any such course. I have just stated, I may say to the Senator from Illinois, that perhaps the Court is necessarily bound by a rule of such complete fixity; but I do not think that the public is bound by any such rule, and I do not think Congress is bound by any such rule. I should be surprised indeed if Congress would shut its eyes to manifest equities of the type I have been discussing.

In fact, the distinguished Senator from Illinois earlier in the day stated that he does not want to shut his eyes to at least some of those equities, because he states he is a supporter of the so-called Anderson bill, by which some of those equities would be recognized and by which titles would be quitclaimed as to lands which have been already filled and which have already been developed, and as to piers which have already been built, and as to groins and other types of structures which have already been erected. So to that degree the Senator from Illinois has shown his desire to do equity, for which I commend him.

Mr. DOUGLAS. Did not the Supreme Court hold that these actions of the Federal Government, or previous failures to act on its part, did not bar the Federal Government from asserting its paramount rights in submerged lands?

Mr. HOLLAND. Yes; the court did so hold. Then the Supreme Court, almost at the conclusion of its decision, after discussing the fact that it had not overlooked the argument that great values had been created, said:

> But beyond all this we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission.

Mr. President, if the Supreme Court had been trying to draft a lithographed invitation to Congress to correct the situation and to give protection to those whose properties were adversely affected, and to remove the inequities, it could not have done a better job than in writing the sentence which I have just quoted.

Mr. DOUGLAS. Is it not correct to say that the Anderson bill preserves all the legitimate equities of the States, of the localities, and of the private lessees?

Mr. HOLLAND. I am glad the Senator from Illinois has asked me that question. The Anderson bill does quitclaim any Federal right to all those who have invested up to now and have developments and improvements of the kind I have mentioned.

However, so far as doing justice is concerned to communities which are not static, because they need to move forward, and must be able to give title to land, for instance, for the location of piers which may cost millions of dollars to construct, and for which bond issues must first be floated before they can be built, the Anderson bill leaves the States, local units of government, and private owners of properties which abut on the coastal waters, without anything except the right to come with tin cup in hand to a Federal bureau in Washington, in an effort to obtain the right to build, for example, a sewage system, or to build a pier, or to construct a bulkhead, or a groin, or to pump some sand from offshore, or to do any of the other things which are completely necessary to be done for the enjoyment and development of property rights in the very important area which we call the coastal belt of the various coastal States.

Mr. DOUGLAS. Mr. President, I wish to call the attention of my friend the Senator from Florida, to section 11 of the Anderson bill, which is S. 107, appearing at page 14 of the bill.

Mr. HOLLAND. I am familiar with subsections (a) and (b) of section 11 of the Anderson bill.

Mr. DOUGLAS. Section 11 (a) reads:

> SEC. 11. (a) Any right granted prior to the enactment of this act by any State, political subdivision thereof, municipality, agency, or person holding thereunder to construct, maintain, use, or occupy any dock, pier, wharf, jetty, or any other structure in submerged lands of the Continental Shelf, or any such right to the surface of filled-in, made, or reclaimed land in such areas, is hereby recognized and confirmed by the United States for such term as was granted prior to the enactment of this act.

Therefore, everything which in the past has been filled in is given to the States and other local claimants by subsection (a). Then I read subsection (b).

Mr. HOLLAND. The Senator is correct. The Anderson bill lives in the past.

Mr. DOUGLAS. Wait a minute.

Mr. HOLLAND. Let me say what I think should be said at this point.

Mr. DOUGLAS. Certainly.

Mr. HOLLAND. I say advisedly that the Anderson bill does confirm to the States and local communities and to private owners their developments, which are worth several billion dollars, which have been constructed prior to the time of the passage of the bill.

Mr. DANIEL. The Senator from Florida is speaking about the Anderson bill.

Mr. HOLLAND. I am referring to the Anderson bill, in reply to the question of the Senator from Illinois. I am referring to S. 107, the Anderson bill.

But, after excepting such completed construction in seeking a grant or permit for any of those activities, many of which are detail, but necessary detail in building any future structure of the kind, the owner is left no recourse except to come to Washington or to go to an agent of the Government outside of Washington in order to get a permit before any such construction can be undertaken.

Mr. DOUGLAS. Mr. President, I should like to ask permission of the Senator from Florida to read subsection (b) of section 11, which deals with the future, and reads as follows:

(b) The right, title, and interest of any State, political subdivision thereof, municipality, or public agency holding thereunder to the surface of submerged lands of the Continental Shelf which in the future become filled-in, made, or reclaimed lands as a result of authorized action taken by any such State, political subdivision thereof, municipality, or public agency holding thereunder for recreation or other public purpose is hereby recognized and confirmed by the United States.

Mr. HOLLAND. The Senator from Illinois has a point. Subsection (b) corrects the situation in part. It says, under the peculiar philosophy of those who think that public rights should be placed above private rights, that States, political subdivisions, and public agencies may go ahead in building, on submerged lands of the Continental Shelf, parks, bathing beaches, and the like, and that the right to do so shall not be denied.

However, there are two things it does not do. First, it does not put private industry on a parity with public units of government. It does not say anything about private industry, except that in another section it has the right to come to the Capital City and deal with Washington, if it can. The second thing it does not do is that it does not completely correct the title situation with reference to the future, as it does with reference to things in the past.

So, Mr. President, what is sought to be done is to inhibit public communities in the future to a degree, though not to the same degree, that private industry and private property is to be harmed if S. 107 should be passed.

Mr. President, if S. 107 should be passed, I hope the Senator will read the statement in the RECORD by the distinguished public coordinator of the city of New York, Mr. Robert Moses, who stated in effect, though I shall not attempt to quote his exact words, that insofar as S. 107 is concerned it is simply an invitation to people generally to come to Washington and entertain the Army or other agencies in Washington if they expect to get any recognition.

Mr. Robert Moses told about the tremendous developments on Long Island and on Staten Island. I believe Long Island is approximately 100 miles long, and my understanding is that very little of its present ocean shoreline was originally in existence, but that most of it has been filled in by developments of the greatest value, worth many millions of dollars, as, for instance, Coney Island, the Idlewild Airport, the Floyd Bennett Airfield, and all the public parks and beaches on the south shore of Long Island. All of them have been built on filled-in land, and much of the other development on Long Island has been on filled-in land. Before our committee Mr. Moses indicated he was outraged by what he thought was a deliberate and so far successful effort to cloud the titles to highly expensive and highly valuable frontages on Long Island, which is the principal sea and recreational outlet for the teeming millions of people who live in New York City and on Long Island itself. He also mentioned Staten Island, the parks there, the other public improvements, and the private improvements on that island. Both those islands face the open sea.

Mr. President, I hope that some of the Senators who are opposing this measure will search their consciences and, in the sanctity of their rooms, or wherever they go to pray, will examine a picture of Long Island and a picture of Staten Island in the light of the testimony of that distinguished public servant, Mr. Moses, who says that the actual values there amount to hundreds upon hundreds of millions of dollars, and then will decide whether they want that kind of development to continue freely and without interruption, or whether they want, instead, to impose an obstacle, a handicap and a hurdle to the making of further developments of that sort. If Senators search their souls as I have suggested I do not believe they will return from their sanctum sanctorum with any other answer than that we must not disturb the initiative of the American people, who already have developed to such great degree lands of the type I have mentioned.

Mr. President, I believe that completes my answer to the distinguished Senator from Illinois, except that I may say I remember that those who testified upon this particular point exemplified better than anything I could possibly say on the floor of the Senate the difference between the thinking of those who want the present stymied status to be continued, except as it would be modified by Senate bill 107, and those of us who still want to see American private enterprise move forward and accomplish worthwhile things in the building of our great country.

I remember that the distinguished former Secretary of the Interior, Mr. Chapman, when he was questioned by me specifically about these two subsections, namely, subsection (a) and subsection (b) of section 11 of Senate bill 107, the so-called Anderson bill, said in so many words that he thought they were good, and that he thought it would not impose any handicap upon private owners or public agencies who wanted to do something that is not permitted by those provisions, to require them to come to the Federal Government in Washington; that it would amount to nothing more than a change in landlord—the word "landlord" was actually used by him—which he said need not cause anyone any concern; that it would be just as well to have located in the city of Washington a landlord who would pass on the matter of whether a sewer could be constructed to serve a small home in one of those areas, as it would be to permit such a matter to be handled by and decided by the local agencies in Miami Beach or by the local agencies in any other of the many coastal cities of our Nation. Mr. President, the latter is the American way of doing things, and the way by which our country has grown great.

It is sound and right to have the Federal Government serve as the arbiter in the case of all these rights, tiny in themselves, but which in the aggregate constitute such a tremendous set of values, and which in their totality will determine whether our coastal cities can continue to move forward and progress, or whether they must enter the doldrums, must stop moving, and must not even have any title to such areas—for under the Supreme Court decisions or under the partially remedial proposed laws there is nothing whereby the coastal cities can really obtain a title on the basis of which they can move forward with any really important undertaking.

Mr. DOUGLAS. Mr. President, will the Senator from Florida yield to me at this point?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. Is not the Senator from Florida exaggerating this point? I ask that question because, so far as the inland waters are concerned, the States, the municipalities, and local government units would have a right to fill in land and to convey such rights as they deem proper to convey.

Mr. HOLLAND. Why is it not just as well to grant the same right on the lands lying outside?

Mr. DOUGLAS. However, is that not true in the case of inland waters?

Mr. HOLLAND. Yes; it is true as to them.

Mr. DOUGLAS. The inland waters cover a very broad extent, as the tables previously inserted in the RECORD of this debate by the Senator from Florida reveal. For instance, to mention only a few pertinent examples, they cover New York Harbor, Long Island Sound, Puget Sound, and, I believe, the waters between the coast of Florida and the outward chain of islands, and so forth.

Mr. HOLLAND. Yes. Perhaps the Senator from Illinois will permit me to say at this point that he is adopting the form of pleading which we know in the

law as de minimis. He says that because we did not work complete catastrophe on all coastal units everywhere, therefore we should not pay much attention to the fact that we would work complete catastrophe upon the units of government and the properties which border the open sea.

I recognize, as I have said, that Senate bill 107, the so-called Anderson bill, would quitclaim title to lands beneath the inland waters just as effectively as would our joint resolution. However, I say to the Senator from Illinois that I find it very hard indeed to justify a philosophy by which the good city of Tampa, Fla., which happens to be located on inland waters, would be told, "Yes, you can proceed with your developments and progress with the building of docks, and so forth," but by which the good city of Miami Beach, Fla., would be told, "No, you cannot do that, at least as to your ocean frontage, because we have not seen fit, in the grace of Congress, to give you the right to do that sort of thing."

Mr. President, I think this is a good time to relate an actual occurrence at Miami Beach during the war. This matter has no particular pertinency to the present situation except to show what ridiculous things can be done by persons who do not know the local situation. At Miami Beach there is no depth of soil; there are just a few inches of sand over rock. As a result, it is not possible to dispose of the sewage from Miami Beach except by treating it and then moving it out to sea. The sewage-disposal plant of the city of Miami Beach reaches out to sea 2 or more miles, into the edge of the Gulf Stream, and disposes of the treated sewage at that point. That sewage-disposal plant cost many millions of dollars to build. During the war the Navy was convoying tankers in the Gulf Stream. The alert commander of one of the Navy destroyers or destroyer escorts saw bubbles rising at a point in the ocean where a submarine could have lain in wait. He decided that a German submarine was lying there. So he had his vessel dash to that point, and had the crew drop several depth charges there. Then he left, thinking that he had probably destroyed the enemy submarine, and that all now was safe for democracy. However, as a matter of fact, he had bombed the sewage outlet of the city of Miami Beach. That fact is clearly set forth in a letter written to me by the city engineer of Miami Beach.

Mr. President, are we going to impose intolerable handicaps upon necessary construction of the sort to which I have just referred.

In the case of Los Angeles, for instance, the record shows that the city is about to complete an enormous outlet. I believe, a 12-foot steel and concrete pipe—that is what it amounts to—which reaches more than 1 mile into the open Pacific Ocean, by means of which sewage from the city of Los Angeles will be discharged. That will be the second pipe of the sort, but the second one is much larger than the first. The city of Los Angeles has invested in its sewage disposal construction $43,800,000 of its funds. Are we going to admit that that type of development cannot move ahead except with all the restrictions, handicaps, and hurdles the Senator from Illinois and his friends would place in the way of such communities, by requiring them to go through various Federal Government procedures before they could make such developments?

Mr. DOUGLAS. Is not the Senator from Florida aware that by both subsection (a) and subsection (b) of section 11 of Senate bill 107, the so-called Anderson bill, works of construction on the part of municipalities, States, or local subdivisions resulting in filled-in land or buildings or structures in the submerged lands can be carried out or made, and title in the local unit is recognized and confirmed by the United States?

Mr. HOLLAND. Will the Senator from Illinois put his finger upon the confirmation of title? I should like to have him do so.

Mr. DOUGLAS. I now read subsection (a) of section 11 of Senate bill 107:

SEC. 11. (a) Any right granted prior to the enactment of this act by any State, political subdivision thereof, municipality, agency, or person holding thereunder to construct, maintain, use, or occupy any dock, pier, wharf, jetty, or any other structure in submerged lands of the Continental Shelf, or any such right to the surface of filled-in, made, or reclaimed land in such areas, is hereby recognized and confirmed by the United States for such term as was granted prior to the enactment of this act.

I now read subsection (b) of section 11 of the same bill:

(b) The right, title, and interest of any State, political subdivision thereof, municipality, or public agency holding thereunder to the surface of submerged lands of the Continental Shelf which in the future become filled-in, made, or reclaimed lands as a result of authorized action taken by any such State, political subdivision thereof, municipality, or public agency holding thereunder for recreation or other public purpose is hereby recognized and confirmed by the United States.

I stress the fact that the former subsection uses the words "any right granted is hereby recognized and confirmed" and the latter subsection uses the words "right, title, and interest."

Mr. HOLLAND. Does the Senator from Illinois understand that to mean areas not now owned and not now claimed by the cities and the public units of government?

Mr. DOUGLAS. "Submerged lands on the Continental Shelf which in the future become filled-in, made, or reclaimed lands."

Mr. HOLLAND. All I can say is that the people in the coastal cities are not at all sure that it applies except to titles which they now have, and that it is joined with subsection (a) of section 11. They are not at all sure that that permits them to choose new sites, which will have to be chosen. They are not at all sure that adequate machinery at all is provided by which title can be granted in such cases. At the very most, all the Senator could claim for subsection (b), even if it is as good as he thinks it is, is that public units are recognized as having rights superior to private property owners. But there is no machinery included by which private property owners can proceed, except and unless they go to the Washington functionaries to get permission.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LEHMAN. I was not on the floor when the Senator from Florida referred to the situation in New York State. I want to mention that particularly, because it certainly is not my desire in any way to misquote the Senator or to misrepresent him in anything he may say.

Mr. HOLLAND. I remember the Senator from New York submitted subsection (b) of section 11, which I was happy to have him do, when the debate was raging last year. But I called his attention during the debate at that time—and the RECORD will so show—to the fact that he was showing a much more tender regard for, and a much more tender recognition of, public developments than he was for private developments, and that his amendment, taken by itself, left no place in the development picture for private investors or private property owners. The Senator will recall that I mentioned that.

Mr. LEHMAN. Yes, I think the Senator said that. Of course, I am in favor of having private development, too, as well as public development. What I am trying to make clear to my colleagues in the Senate is that, when Robert Moses, power commissioner of New York—and he has been a very fine power commissioner—came here and made representations at the hearings that the rights or the titles of the city of New York and State of New York were jeopardized, unless this quitclaim measure were enacted, he was setting up what in my opinion was entirely a straw man. Likewise when the mayor of the city of New York, Mr. Impellitteri, wrote in support of a quitclaim for the State, he was setting up a straw man, and was in my opinion entirely ignorant of the facts.

There has never been any question on the part of any State official, during the many years I was Lieutenant Governor and Governor, as to the title and control of the piers and docks of the Harbor of New York, of our inland lakes, or of the built-in lands on Coney Island, Staten Island, Oriental Beach, and Manhattan Beach, as well as the various other recreational centers which have been developed. I may say to the Senator from Florida that last year when I submitted this proposed amendment to his joint resolution, an amendment which would have amply protected the public interest in the State of New York, it was drafted in association with and with the full consent of the corporation counsel of the city of New York. He was entirely satisfied with it. As a matter of fact, he inspired the submission of the amendment.

For years it has been proposed by Members of Congress that such an amendment be included in any bill on this subject. It never was adopted, and, as has been testified to before the committee in my presence, I believe that one of the reasons it was not adopted was because the proponents of the quitclaim legislation did not want to lose what they felt was an argument. In my opinion it was no argument at all. There is no threat made to docks or piers in the in-

land waters, or on the sound, or on the seacoast, provided they are on filled-in land. Under the provisions of the Anderson measure, I believe it is clear that the rights, not only of New York State, but of all the States, are amply protected both with regard to land that has already been filled in and the land that may be filled in in the future.

It seems to me that the only interference there could possibly be on the part of the Federal Government would be when the interests of navigation were involved; and of course, then the Federal Government would be in a position to exercise its rights, and we would want it to do so. It is impossible to build a long dock from the Jersey coast, the Jersey shore, or the New York shore, which would impede navigation, without receiving authority from the Federal Government; and I do not think the Senator would urge to the contrary. Except in such circumstances as that, it does not seem to me that the Federal Government could, or ever would, interfere with the control and ownership of these lands.

Mr. HOLLAND. I thank the distinguished Senator. Of course, he is correct in one thing he said, namely that the Government's engineers have the say under present law, as they would under any law that has been suggested, with reference to whether any proposed improvement would be harmful to navigation. Nobody questions that.

Mr. LEHMAN. That goes back many, many decades.

Mr. HOLLAND. But in the other features of his statement the Senator from New York is almost alone in taking the position which he has taken, so far as the distinguished dignitaries of his own State are concerned. The present Governor of the State of New York has repeatedly asserted himself in behalf of the State's legislation. The attorney general of the State of New York, Mr. Goldstein, has not only come to Washington to testify, but has aided in perfecting the measure by suggesting an excellent amendment. The former attorney general, who served as such under the distinguished occupancy of the governor's chair by the Senator from New York, has also supported it. The mayor of New York City, Mayor Impellitteri, supports it. The public commissioner, or the commissioner of parks—I believe he is called the public coordinator—Mr. Moses, whom the Senator from New York recognizes as a distinguished figure in the field of public improvements, also supports the State's position; and so far as the Senator from Florida knows, he does not know anyone other than the junior Senator from New York who takes a different position. The senior Senator from New York has taken exactly the opposite position.

The Senator from Florida would be glad to feel, if he could, that the junior Senator from New York was on sound ground; but he does not entertain that view. When he looks at a map and sees that the larger part of the great developments on the south side of Long Island are on built land, and that there is need for further extension of that land in order to bring about further developments—and Mr. Moses said there are plans now under way to build many millions of dollars' worth of additional parks and bathing beaches in that same area—it seems to the Senator from Florida that the Senator from New York is not on sound ground, even with reference to public improvements. Particularly do I feel that the Senator is on completely quaking sands when he declines to propose, in the protection of private investors and the owners of private property, legislation which would give them even the same modicum of rights which he offered to give to the public units of government under his amendment of last year.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I understood the Senator from New York to say a moment ago that he wished private industry could have those rights. But I am not aware that he has submitted to the Anderson bill any amendment to give private industry those rights; and there is no measure as yet known to the Senator from Florida by which private industry can get those rights, except by the support of the pending measure, Senate Joint Resolution 13.

Mr. LEHMAN. Mr. President, will the Senator from Florida yield further?

Mr. HOLLAND. I yield.

Mr. LEHMAN. The Senator from Florida will recall that I offered last year an amendment to protect private rights. So far as the statement made by the distinguished Senator from Florida is concerned, that the present Governor of the State of New York favors turning over these great assets to the States, that is correct. It was one of the issues when I ran against the present Governor of the State of New York, and the people of the State supported me. I ran against the park commissioner, Mr. Moses, and I again won by a very large plurality.

Mr. DOUGLAS. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. Did not the Senator from New York defeat Mr. Moses by the largest majority ever received by a candidate for Governor of the State of New York?

Mr. LEHMAN. I think that is true, up to that time.

Mr. HOLLAND. I think the senior Senator from New York prevailed over his opposition by something like 1,150,000 votes last fall. My recollection is that the prevailing party in New York, which has stood with the States of Florida, Louisiana, Texas, and California, carried the State, as I recall, 850,000 votes. If my recollection is incorrect, I hope the Senator will correct me. It was a very large vote. It seems to me that the Senator from New York must feel rather keenly that he stands in a rather isolated position, considering that not only his present Governor, with attainments almost equaling his own, but both the Attorneys General whom I have mentioned, the mayor of New York, the public parks commissioner, and the senior Senator from New York, all differ with the opinion of the junior Senator from New York. The junior Senator from New York simply counters by saying that that is a ridiculous position for them to take.

Mr. LEHMAN. Oh, no.

Mr. HOLLAND. I understood the Senator to use those words.

Mr. LEHMAN. If I did, I do not recall using them. But I may point out to the Senator from Florida that when he says the junior Senator from New York stands alone on this proposition, I deny it. It is perfectly true that the present Governor of New York, the present mayor of New York City, who is of my own party, and the present commissioner of parks of New York, do not take the same position I take, but it is my sincere and heartfelt belief that the vast majority of the people of the State of New York stand shoulder to shoulder with me in this fight which I am joining with my associates in conducting.

I believe they realize, if the Senator from Florida will yield further, that this gift of billions of dollars of assets to 3 States at the expense of 45 States is contrary to the spirit in which this country became a federation.

Mr. HOLLAND. The Senator from New York is one of those referred to by the Senator from Florida a little while ago who, for some unknown reason, proceed to put their sights up into the billions of dollars when they talk about the funds which the Federal Government would be relinquishing to the States under this resolution. The actual fact, as shown by the highest estimates made by the public servants whose duty it is to know and understand this field, is that the total of all the royalties which could move to the 3 affected States from all oil and gas estimated to be within their State boundaries, in the event it could all be produced, would be well under $1 billion, and would be stretched out over the next 25 or 30 or even 50 years. Those facts are so clearly shown by the record that there is no debating them whatsoever.

So the Senator from New York, in talking about a grant of billions of dollars, could have been referring only to one thing, because there is only one place where there are billions of dollars in value, namely, in developments along the shore. The Senator's own State certainly has many hundreds of millions of dollars invested in filled land along Long Island Sound and Staten Island. I would not be able to make a good guess on that exact amount, as would the Senator from New York; but it is a fact that the values involved in the development along the coastlines of our 20 coastal States upon lands which have been filled run into many billions of dollars.

Mr. LEHMAN. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. LEHMAN. In the case of New York, the value of the lands in question is paid for out of New York capital, for the benefit, as a matter of fact, of persons from all over the Nation. We are proud and happy to welcome people from the other 47 States. I can say that so far as I am concerned—I can speak only

as the junior Senator from New York—New York State is perfectly willing to share the mineral wealth which may come from the sea outside the low tide with the 47 other States of the Union. New York State does not want anything that gives us an advantage. We today pay infinitely more than our share of taxes on a per-capita basis, and we are glad to do it because we believe that what is good for one part of the Nation is good for every part of the Nation. Therefore, we are glad to do it. But we certainly do not want to see this great wealth—and I do not agree with the figures given by the distinguished Senator from Florida—used for the purposes of only 3 States when we know the Nation needs great amounts of money to build up and maintain its schools and to pay decent salaries to its teachers. We want Mississippi, Oklahoma, and Georgia to get exactly the same relative advantage from funds derived from offshore resources as New York State receives. There is nothing selfish about the attitude of those of us in New York State who want to use this money for education, for defense, or to pay off the national debt. We are willing to share the wealth, if there is any off our shores, with all the other States of the Union.

Mr. HOLLAND. Mr. President, since it is apparent that the distinguished junior Senator from New York has not examined the record, I refer him at this time to table V on page 577 of the hearings and to table I on page 584 of the hearings, which give the latest information obtainable from the most expert sources in Government as to the amounts involved.

So far as the State of New York is concerned, I am quite persuaded that the distinguished Senator from New York has no selfish motive at all. Yet I would remind him that there is no State in the Union which, in a dollars-and-cents way, will profit so greatly from the passage of this resolution as will the State of New York, because the coastal developments there greatly exceed those to be found in any other State of the Union, far surpassing anything that could even be hoped for or dreamt of as possible royalties to be received by Louisiana, Texas, or California out of the comparatively small amounts of oil and gas which may be found within the offshore boundaries of those three States.

Mr. DOUGLAS. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. Is it not true that the minimum figures which the Senator from Florida quotes refer to proved reserves?

Mr. HOLLAND. The Senator is correct as to that table——

Mr. DOUGLAS. But if we turn to potential reserves, are not the sound estimates very much higher?

Mr. HOLLAND. The potential reserves are contained in the other table, namely, table 1 on page 584, to which I referred. They show that, including both proved and potential, the reserves within those boundaries are 2 billion barrels plus. Outside those boundaries, there are 13 billion barrels to which the States make no claim, and in those lands the resolution confirms the title of the Federal Government.

Mr. DOUGLAS. I shall make an argument on that point when I obtain the floor.

Is it not true that the minimum estimate of 15 billion barrels of oil on the Continental Shelf, which at present prices, as a matter of fact, would amount to about $40 billion, is nothing to be sneezed at?

Mr. HOLLAND. The Senator from Illinois insists upon including in those figures the great bulk of five-sixths of the oil that would not be confirmed to the Federal Government. The States would not have any interest in it whatsoever under the joint resolution. Instead, the interest would go to the Federal Government. There are only three coastal States where any oil has been found and they would get something like 2 billion barrels, if all of it could be produced.

Incidentally, if the Senator will look at the last sentence on page 585 of the report of the hearings, which I now show to him, he will read the following:

> The estimate includes, of course, much oil that is not now economically recoverable by processes of exploration and production that are now known to be practicable. Only a small part of the Shelf lies beneath water of such shallow depth as thus far to invite exploration and development by the use of existing techniques.

Mr. DOUGLAS. I believe the definition of "Continental Shelf" is that it is submerged land not more than 100 fathoms, or 600 feet, beneath the surface of the water.

Mr. HOLLAND. Exactly; but the point I am making to the distinguished Senator, which is a valid point, is that these very estimates on their face show that much of the oil and gas that is said to be present is not recoverable under any presently known methods, and it is not known whether they will ever be recoverable.

I listened to the testimony as it was presented to the committee, and it was very apparent, at least to me, that the extra costs of production of oil and gas in the offshore waters would be such that the same degree of exhaustion of proved deposits of oil and gas could not be accomplished as economically as it could be accomplished on the upland.

Incidentally—and with one more point I desire to close on this subject—these estimates are the most fictional sort of estimates which could be worked out, except as to proved reserves, which are inconsequential, merely enough to supply our Nation for about 32 days. The rest of the estimates were made on the basis of a guess on production inland, back from the shoreline, in an area of land comparable with the area of submerged land which lies in the shelf.

The experts who made the estimates have said that the deposits may be found to be greater than the estimates, or they may be found to be less than the estimates. But the fact is that they are guessing, and are basing their guess upon the upland production, while they tell us in the next breath that as much cannot be produced under water as can be produced upland, because the cost of operation is such as not to permit of production in the case of deposits which, on the uplands, would be marginal or nearly so.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. DANIEL. The Senator from Florida said that within their historical offshore boundaries, according to the highest estimates, the States would receive only a little more than 2 billion barrels of oil. Actually, the States would receive only the royalties on a little over 2 billion barrels.

Mr. HOLLAND. I appreciate the Senator's correction. The royalties on 2 billion barrels, even if every bit of it was produced, would be well under a billion dollars. Incidentally, the very people who are opposing the joint resolution propose to divide that amount by allotting 37½ percent to the States and the balance to the Federal Government. Under that arrangement, the Federal Government would actually receive something like a half billion dollars over the next 25, 30, or 50 years if all estimates within State boundaries were actually produced. That is all anyone can see in the matter up to this time. Yet I still hear effusive statements about billions and billions of dollars worth of oil being cast away, when there just does not happen to be any factual basis for such statements. As a matter of fact, there is no oil in the States represented by many Senators and Representatives who are supporting the resolution, and there is no chance, under present geological disclosures, of their being any oil in their States; but they are tremendously interested in again releasing the palsied hand of private enterprise, which has been stayed by the three Court decisions, under which there is no title anywhere and no assurance anywhere as to what the law is going to be in the future. Private development has been held up pitifully during the years since 1947, when the first decison was handed down.

The question is, does Congress, which is the only place where there is sufficiently far-reaching jurisdiction to bundle this whole set of problems up into one basket and solve them fairly, as between the Federal Government and the States and the people, intend to do that, or is Congress going to continue to drag its feet and decline to do what it is quite evident the people want it to do? What is desired has been indicated by the Gallup Poll, by the great majority of newspapers, by the great majority in Congress every time the question comes to a vote; and I do not know how many times it has come to a vote between 1946 and the present. Two bills have been passed by both Houses. At other times bills on the subject have passed the House. A great majority of the Members of both Houses listen to what the people back home say to them.

There is an American way to handle the question. There is a democratic way to solve the problem and that is to turn private energy loose and enable it to go again into the building of developments of immense value, such as exist on the south shore of Long Island, where there is one value after another, of multi-million dollar proportions, in

great flying fields and great beach resorts and parks.

Mr. Moses placed in the record pictures of Coney Island, showing the same kind of groins built into the Atlantic there in order to protect the shores, as have been built from the beaches into the open Atlantic along the coast of Florida.

That tremendous set of values presents a challenge, as to whether we are to stop or to move forward. It seems to me that it is unthinkable that we should prolong this stalemate and require the good people who desire to go ahead with building new values to stay their hands until they can ascertain what Congress is going to do and what the law will be.

I yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I merely had in mind some questions about the estimates of potential oil reserves. The distinguished Senator from Florida earlier this afternoon referred to astronomical estimates; and stated that enough unfair, untrue propaganda had been issued about the joint resolution to make one shudder and that outlandish claims had been advanced.

I took to the radio last night and made some statements about the quantity of oil which might be contained beneath the submerged lands on the Continental Shelf of the United States, so I believe I have some statements to defend.

Mr. HOLLAND. The Senator from Illinois made no statement of his own which the Senator from Florida has asked him to defend, because I have made no reference to any such statement made by the Senator from Illinois.

Mr. DOUGLAS. I should like to ask the Senator from Florida if he is aware of the article written by a very eminent oil geologist, Mr. L. G. Weeks, entitled "Concerning Estimates of Potential Oil Reserves" in the Bulletin of the American Association of Petroleum Geologists, volume 34, No. 10, pages 1947 to 1953, issued, I believe, in the year 1950.

Mr. HOLLAND. I have seen the article.

Mr. DOUGLAS. Is it not true that that very distinguished oil geologist estimated that the potential oil reserves in the Continental Shelf off the coast of the United States amount to 40 billion barrels, which at $2.70 a barrel would amount to $108,000,000,000, with the value of gas and sulfur to be added to that amount?

Mr. HOLLAND. I do not recall the amount stated in the Bulletin. What I was referring to, if the Senator will allow me to refer to it again, was, for instance, the testimony of John J. Gunther, legislative representative of the Americans for Democratic Action, who played a considerable part in the hearings, together with the CIO and other ultraliberal groups. Mr. Gunther said:

> These offshore lands are rich in oil. Estimates run from forty or fifty to two hundred billion dollars.

The junior Senator from Texas [Mr. DANIEL] then asked Mr. Gunther:

> Where did you get those estimates? That is the highest maximum I have heard yet.

Mr. Gunther said he got them from a newspaper article; and that was that.

One of the members of the committee projected a 300-billion-barrel guess. Various others whom the Senator from Florida has heard over the radio, and whose effusions he has seen in various columns, have claimed amounts up to 400 billion barrels. That is the largest estimate the Senator from Florida has yet seen. But the Senator from Florida prefers to think that the Senate will believe that the expert testimony of Government geologists, uncertain as it is and uncertain as it is stated by them to be, is the best we could have right now, particularly when it happens to agree very closely with the estimates of the best oil predicters. The figures from the geologists are the ones in the record which the Senator might like to escape, but which are there, and which show repeatedly that about 2 billion barrels is all that can be expected to be produced at the most in the areas within the State boundaries.

Let me say to the Senator that the veto message of former President Truman used pretty much the same figures. He stated in his message that the proved reserves amounted to 278 million barrels, as I recall, and that there was a possibility of finding something over 2 billion barrels, including the 278 million.

So there is not very much difference between the figures. The thing which has distorted the figures so badly has been the inability of many people who, I think, were trying to make an honest appraisal, to realize that there is not now and never has been any bill introduced to claim for the States the areas outside the State boundaries. They have either been unwilling to see that, or they have not had the facts brought to their attention. They prefer to take the largest possible estimate applying to the whole Continental Shelf, and reduce it to terms of State boundaries, as though it came from within State boundaries, where there is only about one-sixth of what is in the Continental Shelf. Then they prefer to use that figure as though there were not to be a distribution between the State and Federal Government, even though you advocates of Federal ownership concede that the States should have 37½ percent.

They come up with a figure which is wholly unrealistic, completely extravagant, and highly exaggerated. They set up a straw man which they like to demolish for their own edification. The Senator from Florida has hope that at long last the public is beginning to understand what the facts are. Editorials in responsible newspapers are showing what the facts are.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. When the Senator from Illinois takes the floor he intends to introduce a table which will make allowance for the factors to which the Senator from Florida has referred.

In addition to the estimate of 40 billion barrels by Dr. Weeks, who is a very able oil geologist, is the Senator from Florida aware of an article which appeared in the Houston Post for October 26, 1952, signed by 18 eminent Texas oil geologists?

Mr. HOLLAND. I have not seen that particular article. I shall be glad to have the Senator place it in the RECORD in his own time.

Mr. DOUGLAS. It is a matter of fact——

Mr. HOLLAND. The Senator from Florida will continue with his next point, unless the Senator from Illinois has a question.

Mr. DOUGLAS. Is it not true that there is an estimate by these Texas geologists of $80 billion worth of oil off the coast of Texas alone?

Mr. HOLLAND. The Senator from Florida would be astounded if any responsible person should place his signature under any such statement, but he has not seen the statement. He has just said so. So he could not discuss it further.

Mr. DOUGLAS. Is the Senator aware of an estimate by Dr. W. E. Pratt, published in the Bulletin of the American Association of Oil Geologists, of 100 billion barrels for the Continental Shelf, which, at current prices, would represent a value of $270 billion?

Mr. HOLLAND. I read that article; and it seemed to me that the larger part of that oil was claimed to be off the coast of Alaska.

Mr. DOUGLAS. I submit to the Senator from Florida for his inspection the Houston Post of October 26, 1952. The headline is: "Rich Tideland Potential Cited—Engineers Say Ultimate Worth Is Over $80 Billion."

Mr. HOLLAND. I shall be glad to have the Senator place that article in the RECORD in his own time. I shall be glad to read it. So far as the Senator from Florida is concerned, he has received a great deal of cumulative evidence from sources which are unimpeachable, and of the highest character, including the highest officials in our own Government. Even those who try to give away to the Federal Government the assets of the States, and even those who tried to seize those assets under the so-called surplus grab last year, come to just about the same figure—about 2 billion barrels within State boundaries, and about 13 billion barrels outside State boundaries. The Senator from Florida would be surprised to see any figure from reputable sources which varied greatly from that estimate.

Mr. LEHMAN. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. LEHMAN. The Senator from Florida cited as an added reason why these oil lands should be turned over to Florida, Texas, and Louisiana the great improvements in recreation facilities, airports, and parkways which were built at great cost. I wonder whether the Senator knows that the beautiful developments which we have in New York State—such as Jones Beach, Idlewild Airfield, LaGuardia Airfield, and all our magnificient parkways on Long Island—were paid for out of public funds provided by the taxpayers of the State of New York. They did it cheerfully, and they would be happy to have the Senator from Florida and our other friends from all over the country come to New York and share those facilities.

Mr. HOLLAND. The Senator has already made that point, and it is a good

point. I do not care to have it reiterated in my time.

All I can say is that the very gentleman who had most to do with making those improvements came to Washington fighting for the right to go ahead with similar developments, and telling us about bond issues which had already been sold in order that they might move ahead with other developments. They told us that they were stymied and held up, and that no one could safely proceed. They implored Congress, including the distinguished Senator from New York, to pass this measure so that they could go ahead in further service to the people of the great city which is the metropolis of our country.

WHAT IS THE SOUND PERMANENT PUBLIC POLICY?

The next subdivision is built around the title "What Is the Sound Permanent Public Policy?"

Congress has the clear right and power in determining and carrying out what it regards as sound public policy, to quitclaim or convey to the States the submerged lands within their original boundaries. Article IV, section 3, clause 2, of the Constitution vests in Congress "Power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States." Mr. Justice Black specifically refers to this power of Congress in his majority opinion in the California case. He closes the very paragraph in which he takes note of the great value of the improvements made in the coastal belts by public and private agencies with the sentence:

> But beyond all this we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission.

Former Solicitor General Perlman stated several times in his testimony before the Senate Interior and Insular Affairs Committee in the 82d Congress, that Congress had the undoubted power to dispose of the coastal belt. One of his statements is as follows:

> Now, if Congress can provide that the Secretary of the Interior can make leases, certainly it can authorize the States to make leases, and the power of Congress to dispose of the minerals or dispose of the revenues of the minerals is absolute. (Hearings before the Senate Committee on Interior and Insular Affairs, 82d Cong., 1st sess., on Senate Joint Resolution 20, at p. 366.)

Congress followed its judgment as to what constitutes sound public policy in another matter when it conveyed, under the Swamp and Overflowed Lands Act in 1850, the immense areas of valuable Federal swamplands to the 15 States in which these public lands lay. Congress believed that this course would result in quicker development and sounder administration of these swamp areas, which were much larger in area and value than the submerged lands covered by our bill, and by and large the States have handled the problem successfully, to the great good of the whole Nation. That great area now comprises some of the greatest tax values and some of the greatest production values to be found in our Nation. By way of specific comparison, the total area of public Federal lands, whose title lay without question in the Federal Government, which was conveyed by Congress as swamp and overflowed lands to 15 States, was 64 million acres, whereas the offshore areas to be quitclaimed under our bill to the 20 coastal States total only 17 million acres.

I repeat that statement, Mr. President. In 1850 our great Nation which was then certainly much poorer than it is today, gave to only 15 States a grant of 64 million acres, as contrasted with the 17 million acres proposed to be granted in the submerged lands offshore to our 20 coastal States.

I have read the debate in that case, and I was impressed with the fact that the men who passed that bill were largely from the original States and the early-admitted States, none of which had any Federal public lands within their limits.

There was considerable argument on the bill. However, the final outcome of it was that the Thirteen Original States and the great States of Kentucky, Tennessee, Vermont, and Maine, the early established States in the Nation, and others which had been established before 1850, through their representatives—and the result in the Senate was by unanimous vote—granted to 15 States 64 million acres of land, comprising most of the swamps and most of the overflowed lands in that area of our Nation which had been surveyed up to that time.

In the case of my own State, such great values have been produced as those in the reclaimed lands around Lake Okeechobee which constitute the winter market basket of the Nation. In the States of Iowa and Michigan, as well as in other great agricultural States, tremendous agricultural values have been produced by reason of that grant. Likewise many industrial and residential values have been created, as well as many mining values and many oil-producing values. There is no telling what value, under modern measurement, should be placed on that grant.

But a new, ambitious nation, full of initiative, and seeking to develop and promote self-government and local government, could find it in its heart to grant 64 million acres of land to 15 of the newer States, who needed that shot in the arm in order to get started.

Speaking for my own State, Mr. President, I wish to say that we are extremely grateful, not only to the Nation, but particularly to the Senators from the older States for the action taken at that time. I see before me Senators from several of those States, who are worthy successors to worthy predecessors who looked at the national interests and said it is not sound government for these great areas to remain in Federal control; it is not sound policy for these areas to remain unreclaimed; it is not sound from any standpoint to put any handicap upon the play of private initiative in those areas. So they made it possible for reclamation and drainage to go ahead on a great scale and to make possible the development of tremendous values in the 15 States.

Mr. DOUGLAS. Mr. President, would the Senator from Illinois interfere with the regular progress of the Senator from Florida if he were to ask a question at this point?

Mr. HOLLAND. Yes. I should like to complete my presentation of this section of my remarks. Then I shall be happy to yield.

Congress has also followed what it regarded as sound public policy in the granting of many millions of acres to States and Territories for schools, railroads, canals, and other improvements. In order to clearly illustrate this point, I ask leave at this time to insert excerpts taken from an official publication, table 105, page 128, of the 1951 Report of the Director of the Bureau of Land Management, Department of the Interior, listing the acreage of Federal lands granted to the States as of June 30, 1951, for some of the various purposes which Congress has held to be in furtherance of sound public policy.

Incidentally, Mr. President, the real question here is, What is the sound public policy in this matter? Those who want to be legalistic will find no comfort in looking at the course of action of our Nation up to this time. Our Nation has freely granted from its great land reserves immense values, not because the Nation did not own them, but because it thought the country should be built up, that riches should be created from the developments which would follow, and that the public interest would be promoted by making such huge grants.

The total of all such public lands granted to the States by Congress is 245 million acres.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks the table to which I have referred.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Acreage granted to States and Territories,[1] as of June 30, 1951

State	For common schools	For other schools	For railroads	For swamp reclamation
Alabama	911,627	383,785	2,747,479	441,184
Alaska	[2] 21,009,209	[2] 438,250		
Arizona	8,093,156	849,197		
Arkansas	933,778	196,080	2,563,721	7,686,575
California	5,534,293	196,080		2,192,678
Colorado	3,685,618	138,040		
Connecticut		180,000		
Delaware		90,000		
Florida	975,307	182,160	2,218,705	20,324,980
Georgia		270,000		
Idaho	2,963,698	386,686		
Illinois	996,320	526,080	2,595,133	1,460,164
Indiana	668,578	436,080		1,259,231

[1] For additional information concerning these grants, see the Report of the Director, 1947, Statistical Appendix pp. 118–135; 1948, p. 59; 1949, p. 59; 1950, p. 58.

[2] Except for 102,500 acres granted to the Territory for university purposes, the lands in Alaska are reserved pending statehood.

Acreage granted to States and Territories, as of June 30, 1951—Continued

State	For common schools	For other schools	For railroads	For swamp reclamation
Iowa	1,000,679	286,080	4,706,945	1,196,392
Kansas	2,907,520	151,269	4,176,329	
Kentucky		330,000		
Louisiana	807,271	256,292	373,057	9,491,865
Maine		210,000		
Maryland		210,000		
Massachusetts		360,000		
Michigan	1,021,867	286,080	3,134,058	5,680,310
Minnesota	2,874,951	212,160	[2] 8,047,469	4,706,503
Mississippi	824,213	348,240	1,075,345	3,347,853
Missouri	1,221,813	376,080	1,837,968	3,432,481
Montana	5,198,258	388,721	(1)	
Nebraska	2,730,951	136,080		
Nevada	2,061,967	136,080		
New Hampshire		150,000		
New Jersey		210,000		
New Mexico	8,711,324	1,346,546		
New York		990,000		
North Carolina		270,000		
North Dakota	2,495,396	336,080	(1)	
Ohio	724,266	699,120		26,372
Oklahoma	1,375,000	1,050,000		
Oregon	3,399,360	136,165		286,108
Pennsylvania		780,000		
Rhode Island		120,000		
South Carolina		180,000		
South Dakota	2,733,084	366,080		
Tennessee		300,000		
Texas		180,000		
Utah	5,844,196	556,141		
Vermont		150,000		
Virginia		300,000		
Washington	2,376,391	336,080	(1)	
West Virginia		150,000		
Wisconsin	982,329	332,160	3,652,322	3,360,786
Wyoming	3,470,009	136,080		
Total	[3] 98,532,429	[4] 17,033,972	37,128,531	64,893,482

[1] Includes not more than 65,000 acres of lands in Montana, North Dakota, and Washington which were selected by a grantee of the State of Minnesota.

[2] See footnote 3.

[3] (See footnote 2.) Includes acreage of grants for "educational and charitable" purposes, as follows: Idaho, 150,000; North Dakota, 170,000; South Dakota, 170,000; and Washington, 200,000. Includes 669,000 acres granted to Oklahoma for "charitable, penal, and public building" purposes, and 290,000 acres granted to Wyoming for "charitable, penal, education" and other institutions.

Mr. HOLLAND. Mr. President, I call special attention to the fact that the grants of public lands of unquestioned Federal ownership to 29 States and Alaska for public school purposes alone total in excess of 98,000,000 acres. That does not include the grants for higher institutions of learning.

The point I have been trying to make to those who refuse to look beyond the decisions of the majority of the Supreme Court is that this question is not a purely legalistic one—that the major consideration is and should be one of sound permanent public policy. This Congress has been thoroughly within its rights in conveying to the States full fee simple title to vast areas of the public domain whose Federal ownership was established and unquestioned, when Congress has determined that sound public policy quickened national development and more democratic government would result from such conveyances. For the same reasons, Congress would have the clear right to make such a conveyance here, even if the Supreme Court had heard the entire case of the States and the people, which it did not, and even if the Supreme Court had decided unanimously in favor of Federal ownership, which it did not, and even if there were not present the many elements of instability and uncertainty now apparent, and which of themselves cry out for positive and stabilizing action by Congress to replace the present frustrating situation.

In determining what kind of bill Congress should pass as its expression of sound permanent public policy to clear up the primary question before us, that of the ownership, control, and development of the submerged coastal belt within the boundaries of the States, we must consider the many values that are involved in this narrow coastal belt and how they may best be used, developed, and conserved. It is clear that the oil involved is of substantial value in at least 3 States, but the oil will be produced and used within a comparatively short period, possibly 25 or 30 years, and its value is only temporary, whereas the greater values in the coastal belt will continue throughout the life of our Nation and will be of greater importance with each passing year. Senate Joint Resolution 13 will assure to all 20 of the coastal States their continued control, within their boundaries, of the taking of fish, oysters, shrimp, sponges, kelp, and other forms of marine life, the use of sand, shell, and gravel, the erection of piers, bulkheads, and groins, the filling of new lands, and the control thereon of valuable recreational, commercial, and private improvements, and the disposal of sewage and industrial waste. The control by the States of the production of oil from their coastal belts will also be restored, which is important in a few places for a few years, but insignificant when compared with the permanent values which determine the development and prosperity of our coastal communities.

It might be helpful to consider some of these permanent values, private and public. There are only a few Members of the Senate in the Chamber, and perhaps they could view this one little picture of the highly developed coastal frontage on a part of the Atlantic coast of my State, which I believe illustrates better than many words the various types of values which go into an enormous development of this kind.

I present for inspection a photograph showing a portion of the ocean frontage of the city of Miami Beach, which is largely land built up from the little strip of sand and mangroves which constituted the original Miami Beach.

Mr. President, I do not go to Miami Beach because it is different from other similar areas in the country—there are many others which are comparable—but because I happen to know its history and because I happen to have from my wall a picture which illustrates the many millions of dollars of invesment in this part of Florida better than any words could portray it. The photograph shows 12 or 15 of the beach-front hotels.

I ask Senators not to become too nostalgic when they look at the picture of this beach. It will be difficult for Senators who have been there not to grow very nostalgic when they examine the picture, but I ask them to withhold their desire to return to that beach, and not to return to it until after the vote on the pending joint resolution has been taken. After the vote is taken, they will certainly have my approval to go there.

As I count the structures which were built in that very limited area to protect that built land and the improvements thereon from the devastating force of the ocean's waves, I note great lengths of expensive bulkheads, besides at least 19 different groins, which are structures which extend perpendicularly into the Atlantic Ocean. Each of the groins extends several hundred feet from the built-up shoreline into the body of the Atlantic Ocean. Each of the groins and the various bulkheads consists of a steel-and-concrete structure built down into the very mother rock itself. An excavation must be made, and part of the underlying rock must be removed, in order to weld, as we might say, this protective structure into the rock which at that point underlies the little film of sand at the bottom of the Atlantic Ocean. Many of the hotels themselves stand in whole or in part on this built land; and their cabanas, swimming pools, and beaches are on built land. All of the sand with which the fills were made was pumped either from the ocean bed or from the bottom of the bay which lies between Miami Beach and the mainland. The expensive municipal pier which appears in the picture is constructed on and over the bed of the Atlantic Ocean. The sewage line from the city of Miami Beach, which I cannot place in the picture, but which is in existence and is a highly expensive structure, extends along the ocean bed for some distance seaward. The jetties appear in the distance, built upon ocean bottom along the ship channel. As shown in this one picture alone, the man-made values on the original offshore ocean bed alone amount to many, many millions of dollars; and at the very place shown in this picture, many private and public titles of great value are hurtfully affected by the present situation, which flows out of these decisions of the Supreme Court.

Certainly an additional threat to the millions of dollars invested in those coastal regions is apparent as a result

of the testimony of Mr. Mastin G. White, former Solicitor of the Department of Interior, before the Senate Interior and Insular Affairs Committee in the recent hearings on submerged lands proposed legislation. In answer to a question concerning the legality of the Federal Government's filling in of the submerged lands beyond the low-water mark in front of privately owned, State-owned, or municipally owned land for the use of the Army, Navy, Air Force, or some other public purpose, Mr. White said that he did not have any doubt whatever about the authority of the Federal Government itself in the present situation to use the lands for a public purpose, regardless of whether they lie in front of a shore holding belonging to the Federal Government or a shore holding belonging to the State or to the State's grantees.

Mr. President in the record of the hearings, Senators can read for themselves what Mr. White said. He said there is no doubt in the world that under the present situation resulting from these three Supreme Court decisions, an airstrip could be built immediately adjoining the shore of Miami Beach, where the multi-million-dollar hotels now stand, and he said a similar development could be made at Atlantic City or at Coney Island or at Rockaway Beach, or at many other places along the shores of New York State.

Mr. President, the question is, not what will be done, but what can be done and what sort of threat is presented by proceeding under a laissez faire policy and by permitting to remain undisturbed the immense power which is given to Federal administrators or at least is implied under the decisions in the Texas, Louisiana, and California cases, and by not doing our duty to remedy the present highly unstabilized, unsatisfactory, disturbing, and distressing situation under which the developments of ocean-front properties has virtually ceased.

In other words, Mr. President, the Federal Government now claims the right to build an airstrip or any other structure desired for a public purpose closer to these hotels than the end of the groins we see in the picture. Mr. White further stated that the sand and gravel on the bed of the sea below the line of mean low tide, and outside the inland waters, would be subject to the Federal Property Act in the same way and to the same extent as oil and gas, regardless of how destructive to the values of the upland property the taking of the sand or the seabed there would be.

Incidentally, Mr. President, the use of the sand and gravel is completely necessary. Sand and gravel cannot be brought from 100 miles inland to make these fills. It is necessary to pump sand and gravel there by dredging from sand bars which lie offshore or from sand bars which lie in the bay. Yet, under present circumstances, if the Federal Government needs that sand or gravel or shell, it can pump out all of it, and then can leave a naked frontage of completely impoverished ocean shore—in other words, a beach with no attraction whatsoever, a beach made of nothing but bare rock extending into the Atlantic Ocean.

In order not to place too much importance on the values already created, and to give adequate consideration to the additional vast values which should be created in the future in our State and in every other coastal State of this growing Nation, I wish to invite attention to a specific problem in Florida concerning the development of the string of islands which, beginning just below Miami, extend nearly 200 miles into the open sea, roughly from the southeast corner of Florida, southwestward and westward to Key West and on to Loggerhead Key.

Senators will see those islands portrayed on the map as the little finger of State holdings—as we now believe them to be—extending from the southeast corner of Florida in a generally westward direction, for a distance of approximately 200 miles. That whole string of islands constitutes all of the land area that is left of Monroe County, whose mainland area was given to the Federal Government to become a part of the Everglades National Park.

Mr. President, I hear some Senators say that a few States are trying to grab something from the Federal Government. As a matter of fact, nothing could be further from the fact. The State of Florida has already granted much to the Federal Government, more than 1 million acres of land, for the development of the Everglades National Park. We have done so because we believe that is a purpose for which that land can serve to the best advantage, and we have granted that land to the Federal Government, and we are proud to have our part in that development. So it cannot be said with correctness that our State and the other States have not adopted a fair and proper approach to these problems.

The future development of this long string of islands is gravely endangered by the present situation, and will be vitally helped by the legislation which we propose. These islands, or keys, of which there are hundreds, are generally quite narrow. They lie between the Atlantic Ocean and the gulf, or between the Florida Straits and the gulf. In general, they must be extended into the vast, shallow areas of water which surround them, if they are to be commercially developed. Generally they have long fingers of rock, with open, shallow spaces between them. In order to develop them and make them of sufficient size to be profitable, bulkheads have to be built, to connect the ends of those rocky fingers. Then sand or gravel has to be pumped within the bulkheads, and then groins have to be built, in order to preserve the newly made areas; and then sewage plants and pipes and piers have to be built. In fact, no one could possibly begin a development of that kind without having advance assurance that he would have access to the manifold values in the Gulf of Mexico, on the one hand, or in the Atlantic Ocean, on the other.

On many, the land is already being sold on a front-foot basis because it is extremely desirable for the location of winter homes. No one can start making a development there, at the very large expense which is involved, without having the following questions answered: "How are we going to make a fill? Where will we get our sand?" The islands themselves are practically all coral rock with only thin layers of sand overlying.

Other questions which must be answered are: "How can we enlarge the land area of our investment to the point where we can build a group of beautiful homes or hotels and facilities and utilities to serve them?"

"Where are we going to get the authority to build the bulkheads or groins which are necessary to protect our investment, or the authority to build a pier? Where shall we get the authority to lay out sewage lines which have to be built along the sea bottom in the form of permanent concrete and steel structures?"

How ridiculous it would be to take such problems away from the local or county health officers and engineers who by State law are empowered to determine where it is safe to dump sewage or industrial waste, so that it will not come drifting back to the shores of the very persons who are to live there. How ridiculous it would be to handicap the genius of our American people for the development of new properties and the creation of new values by transferring the handling of such local problems as these to far-away Washington and its agents.

To get the true meaning of the immensity of these problems of coastal properties to the 20 maritime States as a whole, we must multiply hundreds of times the values we see depicted on the Miami Beach picture and extend them to the hundreds of other residential and recreational coastal areas on our Atlantic, Gulf, and Pacific coasts. We must likewise extend the total picture to include the many port and commercial developments which appear along the thousands of miles of our coastline. I wish that time permitted my making specific reference to the excellent book of plats which has been prepared by the American Association of Port Authorities, which shows the immense values on built-up lands in only a comparatively few of our ports, selected for illustrative purposes, which are adversely affected under the present situation and the much greater values which would be affected if the present ruling of the Supreme Court should be extended to the bays, harbors, great rivers, and the Great Lakes. It is not overstating the situation to say that already billions of dollars of developments are directly affected and that many additional billions are indirectly affected in that they are to be found on the bays, harbors, or other parts of the so-called inland waters or on the shores of the Great Lakes.

To mention only a few of the recreational and vacationland areas which show immense values of developed properties that would be released by the passage of our bill from the present clouds that hang over them, I cite the Massachusetts Bay area, the areas along the ocean shores of Long Island and Staten Island, and along the coast of New

Jersey, at Atlantic City and similar highly developed areas.

Mr. Robert Moses, the distinguished commissioner of public works, city of New York, testified before the committee that on Staten Island and Long Island the values run into many hundreds of millions of dollars.

To complete the picture, we would have to consider the whole coastline of the Atlantic seaboard from Maine to the Florida straits along with the entire coastline of the Gulf of Mexico and the entire coastline of the three Pacific States. The total general coastline alone is nearly 5,000 miles, not counting the thousands of miles on bays and harbors, many of which are of doubtful classification, and the thousands of miles on the Great Lakes. The immensity of this issue is so self-evident and the adverse impact of the present status upon the 20 coastal States and hundreds of coastal communities and tens of thousands of coastal private developments is so clear that I cannot believe the Congress will longer delay clearing up the matter by the prompt passage of our joint resolution.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LEHMAN. The Senator from Florida is again mentioning the development of shore-front property in New York State, and I am very eager to have the information, because I cannot exactly follow him. As I look back, and as I think about New York State, which is the State in the Union I know best, of course, I cannot think of any instances where private development of the shore front would be interfered with through failure to pass this quitclaim measure. It has been developed for many, many generations. There is nothing to stop the development, and I am simply confused by the statement of the Senator from Florida.

Mr. HOLLAND. Mr. President, all I can say is that the present status is one of complete stoppage of developments, because the United States Supreme Court has held in so many words that the States do not own the offshore area, and that the Federal Government has paramount rights to it. The Supreme Court has said that it is only an incident of this general paramount-right situation that applies to the oil and gas, that all property values are affected. There is no way to read the decisions without realizing that that is the case.

Surely the distinguished Senator does not think that all the dignitaries of his own State and of his own city, whose names have been mentioned already, and similar dignitaries of other States throughout the Union, are disturbed needlessly about this question, or that the continued development of additional parks on Long Island and Staten Island is to be held up for reasons that are unsound, when it is desired to proceed with them. The fact of the matter is, I think, that the Senator has never come face to face, he has never come completely to grips with the decisions and realized that they have stayed the hand of prospective developers, public and private, in such a way that only an act of Congress can release them and enable them to go ahead again. I believe, had the Senator understood that, he would have listened with attentive ear to the prayer of the developers throughout the Nation, both public and private, who are supporting the passage of this measure, because they have realized, whether others have or not, that the hand of progress has been stayed, and that coastal communities have now no place to which to turn for their necessary developments, because they cannot go ahead safely under the present condition. Surely the Senator realizes that that is the case, or he would not have submitted his amendment last year to take care of future public developments.

When the Senator from Florida called the attention of the Senator from New York to the fact that it did not cover private developments, the Senator said he was willing for them to be covered; but he did not submit any further amendment, and he has not done so yet.

The only way we can provide the tools with which to do this job for private industry, which greatly transcends in importance the public units, is to pass Senate Joint Resolution 13, which is the only measure I know of now before us which deals adequately with this problem. I hope the Senator, revising his own views, particularly when he realizes that only one-sixth of the estimated amount of offshore oil and gas is within the State boundaries and that five-sixths is without State boundaries, which proportion is recognized and confirmed in the Federal Government by this joint resolution, will be found supporting us, instead of imposing on us the necessity of overcoming his very able and very effective and very stubborn opposition. I glory in the fact that the Senator stubbornly asserts his own views; but I again call his attention to the fact that all the dignitaries of his State of first rank, other than himself, are on the other side of the fence. Is he going to take the position that "everybody is out of step except my son John"?

Mr. LEHMAN. No. Will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LEHMAN. I repeat that I believe the majority of the people of my State are in step with me. It is perfectly true that some of the officials are opposed to the position I have taken, but I think they are opposed largely through a misapprehension, because they fear, until the matter has been explained to them, that there might be some uncertainty with regard to the ownership and control of inland waters and of improvements on inland waters.

Mr. HOLLAND. I may say to the Senator on that point—he was not here when I dealt with it earlier—it is crystal clear from reading the brief of the Federal attorneys, themselves, in the California case, not by one reference but by repeated references, that they do not favor the inland water rule. They do not believe the States have any right to claim ownership of lands under the inland waters, and they have said so in their brief time after time. We have more reason to be apprehensive now with reference to the inland waters than the coastal States had reason to be apprehensive of their offshore waters before the time the California decision was handed down. There can be no doubt about that.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LEHMAN. I assure the Senator from Florida that I am eager to hear his clarification of certain statements he has made. In very moving terms he referred to the development of parks, great recreational facilities, and wonderful airfields. I hope the Senator will not consider the reference immodest when I make the statement which I am going to make, to the effect that I think during my own public career I had as much as anyone else to do with the development of recreational facilities in the State of New York, the parks, the forest reserves, the airfields, the parkways, and other things.

I wish to make it clear that in no instance were difficulties raised by Federal authorities or by the local authorities to the development of these great and wonderful facilities by a great governor, my predecessor, Mr. Alfred E. Smith, by Franklin D. Roosevelt, and by myself.

Mr. HOLLAND. Mr. President, will the Senator from New York pause just at that point? Of course, he is 100 percent correct in that statement. I have already put into the RECORD evidence showing that we were proceeding in just that way in our dealings with the Federal Government, in my own State of Florida, up to the time of these decisions; but, once the decisions were rendered, the wheels of progress were turned back, the hand of the developer was stayed—and it is stayed now. The Senator's own public lands and park commissioner of the city of New York, appearing before the committee, said that they had ambitious and expensive plants and programs laid out and money provided with which to go ahead with them; but they could not do it because of the decisions of the Supreme Court in the Texas, Louisiana, and California cases.

I certainly honor the Senator from New York for the magnificent administration of public affairs of the State of New York which characterized his service as governor, but I am telling him that he is thinking in terms of what used to be, and not in terms of the present time. What we are trying to do is to strike the shackles which have been imposed by the three decisions and put a practical tool into the hands of private industry and public units so that they can go ahead with the fine type of expensive and useful developments in the construction of which the Senator has heretofore had such a large part. He is entitled to be proud for having had that part. But we want subsequent public officials in New York, Florida, and all the other States to have the same possibilities. We would regret extremely to see those possibilities restrained by a continuation of the present situation under which that type of development is stymied. The Senator from New York does not have to rely upon what I tell him. He can read the testimony offered by his own public officials. I tell the Senator from New York and the world

that there are areas ready to be improved and developed, and we are asking that Congress do the necessary thing to permit them to be improved and developed.

I hope the Senator from New York will give a willing and attentive ear to the prayer of the public servants of his State who are trying to emulate the example of illustrious service which the Senator so wonderfully exemplified during the years he was Governor of the great State of New York.

Mr. LEHMAN. I thank the Senator from Florida.

Let me make one brief observation. I still have not heard of a single concrete instance in which there has been any difficulty in development, either by public or private interests, of shore-front property down to low tide.

Mr. Moses testified and talked about Oriental Beach and Manhattan Beach——

Mr. HOLLAND. He also talked of certain parks, some of which I had never heard of, as needing original or additional development.

Mr. LEHMAN. There can be no question that the Anderson bill recognizes title in lands.

Mr. HOLLAND. I commend to the Senator a reading of pages 139, 140, 141, and 142 of the printed hearings, being the testimony of Mr. Moses relating to New York City parks, the Manhattan Beach story, and Long Island. Then there is a list of other extensive areas of land, under water, granted to the city of New York. I think the Senator will find in that portion of the testimony exactly what I have been telling him. I was present and heard the testimony, and I have in my files letters from the distinguished park commissioner stating in so many words that improvements were being held up. I am sure the Senator must have seen these letters, because two of them were printed in the New York Times. I placed them in the RECORD last year. Certainly the commissioner of parks has sounded the alarm; so has the present Governor, two attorneys general, and the mayor of the city of New York. I hope the distinguished Senator will be attentive to those alarms.

Mr. LEHMAN. I have never known any question raised with regard to the control, ownership, or development of any properties on inland waterways, including streams or lakes, or on the shore front of Long Island or Staten Island. I say that in spite of the statement of Mr. Moses.

Mr. HOLLAND. My attention has been invited by my administrative assistant to a fact which I should have mentioned earlier, namely, that the Legislature of the State of New York has, by the adoption of resolutions on this subject, invited the attention of the public servants who serve that great State to the fact that they desire the passage of this resolution restoring the rights to the States which they enjoyed so long. New York has enjoyed them for the longest possible time. Commissioner Moses referred to public port developments on Manhattan Island, in Brooklyn, and on the East River, totaling $350,000,000 in value, every one of which is built on submerged land. They are on inland waters which are affected by the same philosophy and subjected to the same hazard which I have already repeatedly pointed out and which the Senator from New York knows must be present, or why would the attorneys general and governors of other States be furthering the passage of this resolution?

Mr. LEHMAN. I do not know. I just cannot understand it. It is incomprehensible to me.

Mr. HOLLAND. I am trying to help the Senator to see this question in its proper perspective. The Governor of New York would not have come to Washington and testified for a case in which he did not believe. I think the Senator from New York must realize that the Governor of Kansas, the Governor of Nebraska, and the Governors of other States far removed from the seacoast must have tremendous apprehension in their minds and hearts, or they would not come here and testify and jointly maintain a permanent office here through the years. The Council of State Governors would not have taken that position through the years; the American Bar Association, through its legislative committee, would not have taken the position which it has taken through the years if it did not have that apprehension. I hope the Senator will open his eyes and see.

Mr. LEHMAN. I frequently disagree with the American Bar Association on many questions, and this is not the first time I have fought alone when I thought something was right and in the interests of my State and my country. That is what I am doing now. I believe the officials of my State, with whom I have frequently disagreed, are mistaken. I believe the people of the State of New York and the people of the other 47 States understand the issues and do not want these great resources belonging to all the people of the Nation turned over to 3 States.

Mr. HOLLAND. Mr. President, before leaving that point, I invite the attention of the Senator from New York to the CONGRESSIONAL RECORD, volume 98, part 4, page 5308, in which the letter from Mr. Moses is printed. I read only one sentence from that letter:

> In my letter I made the point that unless the title of the coastal States to the submerged lands along their shores is confirmed by congressional action, endless confusion would result as to ownership, and further waterfront development by the States and municipalities would be paralyzed.

He, of course, maintained that position at greater length last year and again this year. I thought the distinguished Senator from New York was present when Mr. Moses maintained that position in the hearing before the Senate committee this year. Perhaps I was mistaken.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. TAFT. Can the Senator advise me how much longer he expects to speak?

Mr. HOLLAND. I have a page and a half remaining, I will say to the distinguished majority leader, and I can complete my statement in 5 minutes.

Mr. TAFT. If possible, I should like to have the Senator from Florida conclude his statement this afternoon. We will continue until half-past five or six o'clock in order to accomplish that purpose.

Mr. HOLLAND. I can conclude within 2 or 3 minutes.

Mr. President, I now come to the next point in my statement, which deals with the political implications of the question. I have often been asked what the political implications are in this controversial issue, and I think the answer to the question is both important and revealing. I think it should be stated on the floor, because I have heard it misstated so frequently that I believe there ought to be one entirely accurate, authoritative statement contained in the CONGRESSIONAL RECORD, based on actual recitals of the platforms and other facts which I shall mention.

It is interesting to note that in spite of frequent reports to the contrary, the Democratic Party platform has never contained a plank on the submerged lands issue. I wish to make that statement particularly emphatic, because for a long time I have received letters stating an understanding of the writers that the Democratic Party had come out on the other side of the question. The Democratic Party has done no such thing. So far as votes in the House are concerned, the Democratic Party has shown a majority in favor of passage of measures on this subject supported by the States.

Last year in the Senate the vote was exactly even—24 to 24—but in the House of Representatives there was a sizable majority of the Democratic Party in favor of the joint resolution.

There has never been a plank on this subject in the Democratic platform. Mr. Ickes tried to obtain such a plank from the platform committee in 1948 at Philadelphia, but his proposal was voted down overwhelmingly. The Republican Party platform in 1948 and in 1952 included a plank to confirm to the States the very values covered in Senate Joint Resolution 13. As a matter of fact, those who oppose this bill will have to look to the platform of the Progressive Party—Mr. Wallace's party—in 1948 to find any comforting political philosophy or party support for their position. To my knowledge, the Progressive Party is the only party which has gone on record against the philosophy of our joint resolution.

In closing, it is interesting to note that many of those who oppose this proposed legislation are the very ones who have been active proponents of an ever larger Federal Government and who seem to think that an all-powerful Federal Government is a panacea for all the ills of the people of this country. Those of us who support the proposed legislation are strongly opposed to the nationalization of resources—and that is what they are attempting to do to us—in the 5,000-mile shoestring of coastal waters which

throttles the shores of our coastal States. The resources in this narrow belt are vital to the States and to local growth and prosperity, and we feel that the ownership and control of these resources should remain in the States and be subjected to State and local control where it will be very close to the people who are so greatly affected.

We are now talking about fundamental philosophy. We are talking about local self-government. We are talking about the opportunity of a citizen to see the very officials who serve him in the regulation of lands which may represent the total investment of his lifetime savings. We think it is sound government to keep such regulation, control, and ownership just as close to home as is possible.

We strongly feel that our position is sound and just, and that it will receive, as it has already received, the approval of the vast majority of our people who, we believe, as indicated by the result of the recent Gallup poll, agree with us that the important rights enjoyed by the States for 150 years should be restored and safeguarded, and that such action would be in the interest of soundly economic and democratic government. These rights and the immense values already developed and to be developed in the coastal belt, plus the similar values in the inland waters and in the Great Lakes, involve problems which are so clearly local in nature that we shall continue with all of our strength to fight to prevent their transfer to a Federal Government which is already too big, too wasteful, and too far from the people.

Mr. President, there is not a Senator within the sound of my voice who does not know that much of the body of ills which afflict us on the domestic front flows directly from the fact that the Federal Government is too big, and that there is no finite mind which can grasp all its implications or all its details, even though it is the responsibility of Senators and Representatives to make laws for the government of our huge, swollen Federal system, as well as of our people, and it is our duty to provide appropriations whereby those immense pieces of uncoordinated machinery can attempt to function.

It is our hope that the joint resolution will speedily pass the Senate and be enacted into law.

Mr. DANIEL obtained the floor.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DANIEL. I yield.

Mr. TAFT. The hour is late, and there is still to be read a message from the President of the United States.

I ask unanimous consent that when the Senate reconvenes tomorrow, the distinguished junior Senator from Texas [Mr. DANIEL] may have the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DANIEL. Mr. President, I wish to compliment the distinguished senior Senator from Florida on the excellent presentation he has made this afternoon.

Mr. HOLLAND. I thank the Senator from Texas.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT — MESSAGE FROM THE PRESIDENT (S. DOC. NO. 38)

The PRESIDING OFFICER (Mr. POTTER in the chair) laid before the Senate the following message from the President of the United States, which was read by the legislative clerk, referred to the Committee on Finance, and ordered to be printed:

To the Congress of the United States:

In my state of the Union message I recommended that the Congress take the Reciprocal Trade Agreements Act under immediate study and extend it by appropriate legislation.

I now recommend that the present act be renewed for the period of 1 year.

I propose this action as an interim measure. As such, it will allow for the temporary continuation of our present trade program pending completion of a thorough and comprehensive reexamination of the economic foreign policy of the United States.

I believe that such a reexamination is imperative in order to develop more effective solutions to the international economic problems today confronting the United States and its partners in the community of free nations. It is my intention that the executive branch shall consult with the Congress in developing recommendations based upon the studies that will be made.

Our trade policy is only one part, although a vital part, of a larger problem. This problem embraces the need to develop, through cooperative action among the free nations, a strong and self-supporting economic system capable of providing both the military strength to deter aggression and the rising productivity that can improve living standards.

No feature of American policy is more important in this respect than the course which we set in our economic relations with other nations. The long-term economic stability of the whole free world and the overriding question of world peace will be heavily influenced by the wisdom of our decisions. As for the United States itself, its security is fully as dependent upon the economic health and stability of the other free nations as upon their adequate military strength.

The problem is far from simple. It is a complex of many features of our foreign and domestic programs. Our domestic economic policies cast their shadows upon nations far beyond our borders. Conversely, our foreign economic policy has a direct impact upon our domestic economy. We must make a careful study of these intricate relationships in order that we may chart a sound course for the Nation.

The building of a productive and strong economic system within the free world—one in which each country may better sustain itself through its own efforts—will require action by other governments, as well as by the United States, over a wide range of economic activities. These must include adoption of sound internal policies, creation of conditions fostering international investment, assistance to underdeveloped areas, progress toward freedom of international payments and convertibility of currencies, and trade arrangements aimed at the widest possible multilateral trade.

In working toward these goals, our own trade policy as well as that of other countries should contribute to the highest possible level of trade on a basis that is profitable and equitable for all. The world must achieve an expanding trade, balanced at high levels, which will permit each nation to make its full contribution to the progress of the free world's economy and to share fully the benefits of this progress.

The solution of the free world's economic problems is a cooperative task. It is not one which the United States, however strong its leadership and however firm its dedication to these objectives, can effectively attack alone. But two truths are clear: the United States' share in this undertaking is so large as to be crucially important to its success—and its success is crucially important to the United States. This last truth applies with particular force to many of our domestic industries and especially to agriculture with its great and expanding output.

I am confident that the governments of other countries are prepared to do their part in working with us toward these common goals, and we shall from time to time be consulting with them. The extension for 1 year of the present Reciprocal Trade Agreements Act will provide us the time necessary to study and define a foreign economic policy which will be comprehensive, constructive, and consistent with the needs both of the American economy and of American foreign policy.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 7, 1953.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. POTTER in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. TAFT. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, April 8, 1953, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 7 (legislative day of April 6), 1953:

DEPARTMENT OF THE INTERIOR

Felix Edgar Wormser, of New York, to be Assistant Secretary of the Interior.

FEDERAL HOUSING ADMINISTRATION

Guy O. Hollyday, of Maryland, to be Federal Housing Commissioner.

tion, and to help the underdeveloped areas of the free world to help themselves toward a better way of life.

The problem of maintaining full employment in our country is not that we don't know what needs to be done, but that we may not do it. The results of the 1952 election give rise to serious danger that the necessary steps will not be taken to prevent layoffs in 1954, or sooner, as Government military expenditures decline.

Business has been encouraged by its victory in the election to resist all the measures listed above for increasing the buying power of the people. The new administration in Washington has filled its top offices, where policies are made, with bankers and businessmen.

The traditional viewpoint of banking and big business is now shaping policies both inside and outside of Government. This viewpoint holds that prosperity is built not from the bottom up, but from the top down. Instead of expanding the buying power of the people, it relies on creating a favorable climate for business management by holding out opportunity for greater profits. It would concentrate prosperity at the top and hope that some of it will trickle down to the people at the bottom.

Initial moves of the new administration give cause for alarm. In the Employment Act of 1946, Congress directed the Government to make plans and to coordinate all its programs so as to maintain maximum employment throughout the Nation. It created a council of economic advisers to keep watch on developments and advise the President on action needed to hold employment up. The President, in turn, is directed by that act to render an annual economic report to a special joint committee of Congress, which is to advise both Houses on measures required to maintain full employment.

Since the new administration took office, the staff of the council of economic advisers has been dismissed. Its funds have been cut because Congress has been unable to find out what the President wants to do about it. As economic adviser, a person has been appointed who in the past has demonstrated no confidence in the forward planning function which the Employment Act calls for. Forward-planning units in the Treasury and the Department of Commerce have been closed out.

Instead of making plans in advance so that unemployment shall not gain headway, the new policy appears to be to rely upon manipulation of the money market and interest rates, and to give tax cuts to those at the top who need them least. This is the same policy as that which was followed by Andrew Mellon, who, as Secretary of the Treasury under Coolidge and Hoover, was the economic boss of the Government at that time and became, in effect, the architect of the great depression of 1930.

It is not likely that the present administration will intentionally permit a full-scale depression like 1930 to strike the country again. Twenty years of exile from office have convinced even Republicans that our Government has the responsibility to prevent such a disaster. But the danger is that this administration will not make plans in advance, that it will not act soon enough, and that, by the time it does act, 5,000,000 or more will be out of jobs, and the task of reversing the trend and putting people back to work will be long and difficult.

Meanwhile, great and unnecessary hardship will be done to millions of workers and to the Nation as a whole. Timing is vital. A delay of days can mean layoffs of hundreds of thousands in an atmosphere of uncertainty and fear: Now, therefore, be it

Resolved, That this 14th constitutional convention of the UAW-CIO call upon President Eisenhower and Congress to retain and put to work the Employment Act of 1946, needed now more than at any time since it was passed.

That we ask President Eisenhower to call upon all States, municipalities, and counties to begin now to blueprint public works projects in their jurisdictions for which Federal grants would be appropriate if national conditions make such projects necessary for maintaining full employment.

That we recommend to President Eisenhower that at an early date he call together in Washington a national planning conference representative of all groups and interests for the purpose of appraising the Government's plans and policies for maintaining full employment and to make recommendations with respect thereto.

[From the Washington Post of April 3, 1953]

ADMINISTRATION AT SEA ECONOMICALLY

(By Marquis Childs)

At the mere suggestion that peace might break out the stock market has been suffering nervous palpitations. The chain of economic consequences following an end of the Korean war and a sharp reduction in spending for arms can alter the present condition of full employment and high purchasing power with a roller-coaster suddenness.

It is just at this point that an odd kind of stalemate has developed on Capitol Hill. Congress first, despite the wishes of President Eisenhower, abolished the President's Council of Economic Advisers with the staff of experts attached to that office. Now the work of the Joint Senate-House Committee on the Economic Report has been brought virtually to a stop.

The chairman of this committee is Representative JESSE P. WOLCOTT (Republican, Michigan). One of the ultraconservatives of the House, WOLCOTT owes his chairmanship to the majority leader of the Senate, Senator ROBERT A. TAFT, of Ohio.

Under the Democrats, former Senator Joseph C. O'Mahoney, of Wyoming, was the head of the study group. With the Republicans in control, the chairmanship was expected to go to Senator RALPH FLANDERS, of Vermont. A businessman and one of the leaders in forming the Committee for Economic Development, FLANDERS was exceptionally qualified for the post. While he is opposed to Government planning of the economy, he feels strongly that the economic consequences of what the Government does, or fails to do, should be thoroughly analyzed and reported. As a director of CED, FLANDERS testified for the Employment Act of 1946 under which the joint committee was created.

But TAFT argued that the chairmanship should be rotated as between Senate and House. The House should have a turn according to TAFT, and WOLCOTT got the job.

Despite repeated prodding from FLANDERS, little or nothing has been initiated. WOLCOTT appears to be very, very busy. In fact, he is so busy that he has failed to answer several letters from FLANDERS asking why no steps have been taken to put the committee and its experts to work on the problems looking just ahead. Nor does the imperturbable Congressman from Michigan find time to respond to the Senators' telephone inquiries.

The strong suspicion, of course, is that he simply doesn't believe the committee has any business looking into the economy and where it is heading. This is all the more surprising since in the past leading Republicans, including TAFT himself, have taken an active part in the work, the most important phase of which has been a lengthy critique of the report of the President's Council of Economic Advisers. Although it was sponsored by Senator JAMES MURRAY, of Montana, a New Dealer, with the backing of President Truman, TAFT supported the bill. That was after the language had been toned down and the title changed from a "Full Employment Act" to merely "Employment Act." Its objective, however, remained the same—to try to insure full employment in the face of the expected postwar depression.

Edwin G. Nourse, a conservative economist, and former Chairman of the Council of Economic Advisers under President Truman, shows in his just published Economics in the Public Service how important the studies of the joint committee have been. Nourse resigned in a dispute with Leon Keyserling, a Council member and later Chairman.

The Senate-House committee is stymied and the Council has been allowed to pass out of the picture. But President Eisenhower does have one economic counselor left in Arthur F. Burns. Although there is lawfully no office in which he can function, an appropriation of $50,000 has been passed for him and his assistants, and this apparently puts him in business. That, at any rate, is the interpretation of Senator FLANDERS and others deeply concerned with getting informed guidance for the future. Without such guidance Congress cannot intelligently prepare steps to help meet a recession.

The stalemate over the Joint Economic Committee is similar to the prolonged feud over the chairmanship of the Joint Senate-House Atomic Energy Committee. There Majority Leader TAFT had not been able to prevail. Representative W. STERLING COLE (Republican, New York) insisted the House should have its turn at the top job. But Senator BOURKE B. HICKENLOOPER, the ranking Republican from the upper chamber, would not yield. While this deadlock has now been settled, it held up the atomic energy program in Congress.

Atomic energy rates, of course, far higher than economic reporting. Yet in terms of preparedness for the peace with prosperity promised by the Republicans, this is not a matter to be brushed aside.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. DANIEL. Mr. President, as a cosponsor of Senate Joint Resolution 13, confirming and restoring State ownership of submerged lands within their historic boundaries, the junior Senator from Texas desires to discuss seven points. Some of these points have already been touched upon in the arguments which have been made on the floor of the Senate, and I shall try to avoid unnecessary repetition. These points may be summarized as follows:

First. All the 48 States—not merely 3 coastal States, and not merely 21 coastal States, but all 48 States—have lands beneath navigable waters within their historic boundaries, title to which would be confirmed or restored by this legislation.

Second. All of the 48 States have held and possessed their submerged lands, both inland and seaward, under the same rule of law, recognized for more than 100 years by the Supreme Court of the United States.

Third. It would be rank discrimination against the coastal States to exclude their marginal sea lands from this rule of State ownership while continuing its application to the far greater bodies

of lands beneath inland waters and the Great Lakes.

Fourth. The rule of State ownership of lands under inland waters and the Great Lakes grew from the common law rule of State ownership of the lands under the marginal sea.

Fifth. The coastal States have been in complete good faith in their possession and ownership of the sea bed within their historic boundaries for more than 100 years.

Sixth. Under such circumstances, restoration of these lands to the States will not be a gift but an act of equity and justice.

Seventh. Texas has a special claim under its annexation agreement with the United States which should be confirmed by this legislation.

ALL STATES CONCERNED

All of the 48 States have lands beneath navigable waters within their historic boundaries, title to which would be confirmed or restored by this legislation.

Senators who would like to know the exact acreage within their respective States may turn to page 76 of the hearings on Senate Joint Resolution 13, Senate Committee Report No. 133, which is on the desks. In the table on page 76 will be found the approximate areas of submerged lands beneath the waters of each of the States. The map which was used yesterday by the Senator from Florida [Mr. HOLLAND] shows the lands beneath the navigable waters within each of the 48 States. It will be noted that the inland waters are shown in black. The rivers, lakes, and bays are also shown. Senators will note the small marginal belt along the Atlantic and Pacific coasts within the boundaries of the Atlantic Coast States and the Pacific Coast States, extending out 3 miles from shore. On the gulf coast it will be noted that the boundaries of Florida and Texas are 3 leagues from shore, while the boundaries of the other Gulf Coast States extend out 3 miles from shore.

I ask particular attention to the Great Lakes States, in which we find by far the greater acreage involved in this legislation. On page 76, in the table showing the approximate areas of submerged lands within State boundaries, it will be noted that the Great Lakes States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin that there is a total of 38,595,840 acres of lands beneath the Great Lakes.

These lakes have been held to be open seas, high seas. State ownership of the land underlying them has been held to rest under the same rule of law by which the coastal States own the lands and tidewaters within the marginal belts inside the 3-mile or 3-league boundaries.

States with inland waters have 28,960,640 acres covered by the joint resolution. That information is shown on page 76.

If Senators will compare column 3 with the previous columns to which I have referred, it will be seen that the 21 coastal States put together have only 17,029,120 acres of marginal sea lands within their boundaries, and covered by the pending joint resolution.

There we have the comparison. The Great Lakes States have more than 38 million acres of land under what have been held to be open seas. States with inland waters have 28,960,640 acres covered by the joint resolution. The 21 coastal States have only 17,029,120 acres of marginal sea lands within their boundaries and covered by the joint resolution.

All 48 States have valuable resources beneath their navigable waters. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a table showing not only the approximate area beneath navigable waters within State boundaries, but present uses and revenues of such lands. I have obtained this information from a brief prepared by the National Association of Attorneys General.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Approximate areas and present uses of submerged lands within State boundaries

[Expressed in acres]

State	Inland waters [1]	Great Lakes [2]	Marginal sea [2]	Present uses and revenues include
Alabama	339,840		101,760	Sand, gravel, shell, oysters, oil and gas leases.
Arizona	210,560			Sand and gravel.
Arkansas	241,280			84,641 acres under oil and gas lease; sand and gravel.
California	1,209,600		2,540,800	Oil, gas, sand, gravel, kelp, and shell.
Colorado	179,200			Sand, gravel, and gold.
Connecticut	70,400		384,000	50,000 acres of marginal sea under lease; shellfish, sand, gravel, oysters, clams, mussels.
Delaware	50,560		53,760	Oyster bed leases, sand, gravel.
Florida	2,750,720		4,697,600	903,000 acres of Gulf of Mexico under lease. 2,748,000 acres of land under inland waters and under lease; oil, gas, sand, gravel, sponges, oysters.
Georgia	229,120		192,000	Sand and shell, approximately 1,000 acres of land in marginal sea leased.
Idaho	479,360			Sand and gravel. 1,302.96 acres under lease for gold and gravel.
Illinois	289,920	976,640		Sand, gravel, coal, and clay.
Indiana	55,040	145,920		Sand, gravel, coal, oil, mussel shells, peat, and marl. The revenues during 1948–49 included: sand and gravel, $50,563.68; oil, $101,413.51; coal, $4,453.56.
Iowa	188,160			Sand and gravel, coal, stone, ice, shell.
Kansas	104,320			Sand, gravel, oil, and gas. 6,944.96 acres of submerged lands under mineral leases.
Kentucky	183,040			Fish, mussel, shells, coal, gas, oil, sand and gravel.
Louisiana	2,141,440		2,668,160	Sand, gravel, oysters, and other marine products. 2,191,179 acres under lease in coastal waters.
Maine	1,392,000		759,680	Kelp, clams, lobsters, mussels, fish. Total income of $14,000,000.
Maryland	441,600		59,520	Oil and gas leases on entire marginal sea. Receive $20,557 annual rentals.
Massachusetts	224,000		368,640	Clams, lobsters, mussels, sand, rock.
Michigan	764,160	24,613,760		Leases cover oil and gas, sand and gravel.
Minnesota	2,597,760	1,415,680		Sand, gravel, clay.
Mississippi	189,440		136,320	Sand, gravel, oyster shell.
Missouri	258,560			Sand and gravel.
Montana	526,080			Do.
Nebraska	373,760			Do.
Nevada	472,320			Do.
New Hampshire	179,200		8,960	Kelp leases, sand and shell.
New Jersey	200,960		249,600	$55,000,000 improvements below high watermark, including Atlantic City piers.
New Mexico	99,200			Sand and gravel.
New York	1,054,080	2,321,280	243,840	Recreation beaches, surf; removal of sand and earth. Millions of improvements on filled-in lands.
North Carolina	2,284,800		577,920	Oysters, shellfish, clams, sand, seaweed, shrimp.
North Dakota	391,040			Sodium sulfate, good prospects for oil, sand and gravel. Revenues dedicated to school fund.
Ohio	64,000	2,212,480		Sand and gravel.
Oklahoma	470,040			Mineral leases, sand and gravel.
Oregon	403,840		568,320	Sand and gravel, oil, gas, kelp.
Pennsylvania	184,320	470,400		Oil sands, clays, and coals.
Rhode Island	99,840		76,800	Sand, gravel, oysters.
South Carolina	295,040		359,040	Sand and gravel. All lands leased for oil and gas explorations.
South Dakota	327,040			Sand and gravel. Possibility of oil under submerged lands.
Tennessee	182,400			Sand and gravel.
Texas	2,364,800		2,466,560	Sand, gravel, oysters, shell, shrimp, sulfur, oil and gas.
Utah	1,644,800			Mineral leases for salt; sodium sulfate, oil and gas.
Vermont	211,840			Sand, gravel, and quarries.
Virginia	586,240		215,040	Sand, gravel, oysters.
Washington	777,600		300,800	Placer gold, gold, copper, lead, silver, zinc, coal, limestone, marl, peat and salines, sand and gravel, and rentals on 130 oil and gas leases; 1 producing oil well in the tidelands area.
West Virginia	58,240			Sand and gravel, and prospecting for coal, oil, and gas.
Wisconsin	920,960	6,439,680		Sand, gravel, and marl.
Wyoming	261,120			Sand and gravel.
Total	28,960,640	38,595,840	17,029,120	

[1] Areas of the United States, 1940, 16th census of the United States (Government Printing Office, 1942) p. 2, et seq. The figures are very approximate but are absolute minimums.

[2] World Almanac and Book of Facts for 1947, published by the New York World-Telegram (1947), p. 138; serial No. 22, Department of Commerce, U. S. Coast and Geodetic Survey, November 1915. In figuring marginal sea area, only original State boundaries have been used. These coincide with the 3-mile limit for all States except Texas, Louisiana, and Florida Gulf Coast. In the latter cases, the 3-league limit as established before or at the time of entry into the Union has been used.

Mr. DANIEL. For instance, Mr. President, the Senate Committee on Interior and Insular Affairs has reports from the governors of several States as to the valuable resources their States have beneath the navigable waters of the States. I have in my hand a report from Gov. William G. Stratton, of Illinois, in answer to questions submitted by the Committee on Interior and Insular Affairs. Question No. 9 was:

What prospect is there for minerals in your State which may be found under submerged lands in the future?

Governor Stratton replied:

Coal, oil, and gas, in some localities. Also gravel, sand, some lead and fluorspar.

I have here also a report from the Governor of the State of Michigan. In answer to question No. 9, as to what natural resources there are under the Great Lakes and other waters of that State, or that may be anticipated, the Governor replies:

According to our State geologist, the bottoms of the Great Lakes potentially contain huge deposits of iron ore, copper, oil, gas, salt, brines and many other minerals which are known to exist under Michigan's dry land.

I have also in my hand the report of the Governor of Minnesota. Question No. 5 submitted by the Committee on Interior and Insular Affairs to the governor of that State was:

What minerals are now being developed from your submerged lands?

The reply from the Governor of Minnesota states:

Iron ore, sand, and gravel. Rules and regulations are now being drafted covering the prospecting for and the mining of copper and nickel.

Question No. 6 submitted by the committee was:

What prospect is there for minerals in your State which may be found under submerged lands in the future?

The Governor of Minnesota replies:

Low grade copper and nickel have recently been discovered in a part of northeastern Minnesota that contains a large water area. There are prospects for finding cobalt, gold, and other precious minerals. Titanium and large deposits of iron ore and marl that have not been developed are also known to exist.

The Governor of Minnesota adds this note:

To date about $2 million has been collected by the State in royalties covering iron ore removed from submerged lands.

I should like to say, Mr. President, that the amount recovered by Minnesota from royalties on iron ore under the Great Lakes, which have been held to be open seas within the State boundaries, is more than the State of Texas has recovered, up to date, from royalties on oil taken from its marginal sea lands.

I cite that instance to show that while all the States do not have oil beneath their submerged lands, every State has some deposits beneath its soil, and the records of the committee show that today 10 times more oil is being produced from the inland waters of the United States than from the marginal lands of the coastal States.

I point that out because there are some Senators who have introduced bills which would quitclaim to the States a far greater area of inland water and Great Lakes lands but would deny to the coastal States a like right of property, to which they are entitled under the same rule of law.

SAME RULE OF LAW

Second. All the 48 States have held and possessed their submerged lands, both inland and seaward, under the same rule of law, recognized for over 100 years by the Supreme Court.

This common rule of law applicable to all States and to all lands under navigable waters, both inland and seaward, was stated more than 50 times by the Supreme Court, to be as follows: "That the States own all lands beneath navigable waters within their respective boundaries." Prior to the California decision in 1947, no distinction had been made between lands beneath inland waters and lands beneath seaward waters so long as they were within State boundaries.

That was the test: Is the land within States boundaries, and is it under navigable waters? If so, the courts have always held that it belongs to the States.

Mr. ROBERTSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Virginia?

Mr. DANIEL. I yield.

Mr. ROBERTSON. The distinguished Senator from Texas is a former eminent attorney general of the State of Texas, and he has attended national meetings of State attorneys general. Can the Senator tell us what has been the attitude of the attorneys general of the States on the issue before the Senate now, in connection with which he says that under the common law, and according to over 50 Federal court decisions for over 100 years, the States have been conceded to be the owners of the submerged lands at least out to the 3-mile limit, which is the question covered by the pending joint resolution?

Mr. DANIEL. I shall be glad to. The National Association of Attorneys General has for many years, I believe since 1945, taken the position that the Congress should write clearly for the future the law as it was understood by all our courts to be in the past. The Association of Attorneys General has always taken the position that the States owned the lands beneath navigable waters within their boundaries. At page 77 of the committee report the Senator will find a brief which the Senate Committee on Interior and Insular Affairs has included as appendix G. It was written by the National Association of Attorneys General.

I should like to point out that the attorneys general from 44 States joined in this report, and, as was shown yesterday by the distinguished Senator from Florida [Mr. HOLLAND], only 1 State in the Nation has failed to send a State official before the Congress during the past 6 years of this fight asking for State ownership and the passage of the type of legislation now under consideration. Forty-seven States are supporting the proposed legislation.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. DANIEL. I yield to the Senator from South Carolina.

Mr. MAYBANK. I should like to address a question to the distinguished Senator who now has the floor, who was a most able attorney general of the State of Texas. If the Government would have a right to the tidelands oil, as it is called, would they not also have a right to the oysterbeds and the shrimpbeds which are found on thousands of acres of land off the coast of my State?

Mr. DANIEL. Absolutely.

Mr. MAYBANK. As I recall, the attorneys general almost unanimously supported a concurrent resolution introduced in the House and the Senate to support the legislation now under consideration.

Mr. DANIEL. The Senator is correct.

Mr. MAYBANK. I was a supporter of such a proposal before knowing the Senator from Texas, who in years gone by joined the attorney general of my own State in the points the Senator has brought out. I forget the exact amount of land, but it was shown that there were in the neighborhood of two or three hundred thousands of acres of shrimpbeds, oysterbeds, crabbeds, and the like, which the State owns. The proposed legislation would affect not only oil, but oysters, shrimp, crabs, and other products of the sea.

Mr. DANIEL. The Senator from South Carolina has brought out a good point. As former Solicitor General Perlman testified, and as other former Federal officials testified before our committee, they claim for the Federal Government not only oil, but every other natural resource, including oysters and fish up to low tide along the 21 coastal States. They told our committee this year that the claim was the same as to the fish and the oysters as it is regarding the oil.

Mr. MAYBANK. And those lands have been under lease for over 100 years in South Carolina.

Mr. DANIEL. Yes, in the case of the oyster beds.

Mr. ROBERTSON. Mr. President, will the Senator yield further?

Mr. DANIEL. I yield to the Senator from Virginia.

Mr. ROBERTSON. Is it not also true that either last year or the year before President Truman said that if we let the Federal Government take the oil he would agree that the States could keep their fishery resources? If the Government did not claim title to all submerged resources, why was it necessary for him to say that?

Mr. DANIEL. I have not seen the statement to which the Senator has referred. The only statements made by President Truman I have seen were statements made in 1945, when he said the Federal Government had jurisdiction over the Continental Shelf. On the same day, he said the Federal Government had the same jurisdiction over the fish below low tide along the coasts of the 21 coastal States. Only recently before President Truman left the White House he stated that when he claimed

jurisdiction over the oil in the Continental Shelf, he claimed jurisdiction over the fish also.

Mr. MAYBANK. Mr. President, will the Senator from Texas yield to me?

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from Texas yield to the Senator from South Carolina?

Mr. DANIEL. I yield.

Mr. MAYBANK. Let me say that one of the few places where poor people can fish is between high water and low water, because so many of the wealthy have bought the property beyond that point. The same is true of many of the members of some organizations that are opposing the Senator from Texas on the submerged lands question.

Mr. DANIEL. I thank the Senator from South Carolina.

Mr. HUNT. Mr. President, will the Senator from Texas yield to me?

Mr. DANIEL. I yield.

Mr. HUNT. I should like to ask the distinguished Senator from Texas a question, for all during the debate I have not heard any reference to the point I have in mind; neither have I seen any reference to it in any of the reports. My question is this: Under the decisions of the Supreme Court, who owns the docks and the piers that extend over the tidelands, in the case of practically every port city in the United States? Will the Senator from Texas comment on that situation?

Mr. DANIEL. I shall be glad to do so. The question asked by the Senator from Wyoming is, Who owns the piers and docks which are built beyond the low-tide mark, along the coast? Under the three decisions of the Supreme Court thus far on this point, the Federal Government has paramount rights and power over the docks and piers and every other piece of property which has been built beyond the low-tide mark, off the coasts of our country. As I shall show in a few moments, we believe there is danger that officials of the Federal Government at some time in the future, if they ever wish to do so, will assert the same kind of claim in the case of our inland ports and rivers and harbors and the Great Lakes, for, as I shall show, the lands beneath the inland waters and the Great Lakes have been held under the same rule of law that applies to the lands beneath the coastal waters. I shall show that that rule was actually born in reference to submerged lands along the seacoast, and that it was extended to the lands beneath the rivers and bays as "arms of the sea." If the officials of the Federal Government of the last administration remain successful in destroying the rule of State ownership of lands beneath the marginal sea, they will be destroying the rule as it applies to the very area which gave validity to the ownership of the lands beneath the bays and the Great Lakes.

Mr. HUNT. I should like to ask another question about the interpretation the Senator from Texas has placed on the question of the ownership of docks and piers. From the Supreme Court's decisions, can the Senator from Texas arrive at any other conclusion except that of the confiscation of property?

Mr. DANIEL. Quite a few persons have arrived at that conclusion. Actually, I would express it, I think more accurately, in the following way: The Supreme Court of the United States has held that the paramount governmental powers which the Federal Government has over every farm, home, mine, and factory in the United States, as well as over the submerged lands, give the Federal Government the right to take property without paying compensation. It is closely akin to the "inherent powers" doctrine which was announced by President Truman toward the end of his administration. I say it is a dangerous doctrine. I do not believe the present Supreme Court ever intended that its doctrine should be extended to cover private property. But at some time there may be in office those who will contend that the United States should have the same system of nationalization that exists today in many other countries in the world. I do not like to see the Congress of the United States leave written into the law of our country a rule under which there can be further nationalization of property in our Nation.

Mr. LONG. Mr. President, will the Senator from Texas yield to me?

Mr. DANIEL. I yield to the Senator from Louisiana.

Mr. LONG. The point has been made many times that in the 52 previous decisions of the United States Supreme Court in which the Court said this property belonged to the States, those cases involved bays, rivers, and inland waters, and the Court was laying down a rule of law to the effect that all the land beneath navigable waters belonged to the States. If that point be sound, it can be argued from it that the very foundations and the very legal concepts under which every citizen owns his property need not be applied to his property, although it is the foundation of his title to his property and is the basis upon which everyone's title to property was recognized historically.

Mr. DANIEL. I think the Senator from Louisiana is correct.

At this time I should like to read into the RECORD a statement by Dean Roscoe Pound, formerly dean of Harvard University Law School, on the very point the Senator from Louisiana has raised:

> If sovereignty with responsibility for defense and international relations did necessarily and inseparably involve dominium—that is, ownership of land—all private ownership of land would have to be given up.

It is a rule which we do not wish to see extended, and I say it is important that the Congress of the United States today abrogate the rule, insofar as the Congress may do so. Certainly the Congress may separate the proprietary rights and the property rights in these submerged lands from the paramount governmental powers of the Federal Government, so long as the Congress recognizes that the paramount powers of the Federal Government are supreme and superior. It is true that any property rights in lands beneath navigable waters are subject to and must not interfere with the powers of the Federal Government in navigation, national defense, commerce, and international affairs, all of which powers the National Government has over the waters. There is no reason why by means of this joint resolution the Congress cannot properly separate proprietary rights in the soil from those paramount governmental powers of the national sovereign, in the way we have always in the past thought they existed.

Mr. DOUGLAS. Mr. President, will the Senator from Texas yield to me?

Mr. DANIEL. Mr. President, I should like to complete the discussion of this particular point before I yield further.

Mr. DOUGLAS. Certainly.

Mr. DANIEL. Then I shall be glad to yield to the Senator from Illinois.

THE POLLARD CASE

The rule I have just discussed was first stated by the Supreme Court in the early case of *Pollard* v. *Hagan* (3 How. 212, 229 (1845)) in the following words:

> First. The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively.
>
> Second. The new Sates have the same rights, sovereignty, and jurisdiction over this subject as the original States.

Mr. President, the whole theory behind the State ownership of submerged lands is based upon the 10th amendment to the Constitution, which provides that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

These lands were not transferred to the Federal Government by the original States, and therefore the Supreme Court has said that they were retained by the States, and that the new States have the same rights of ownership therein.

The Pollard case, from which I have just read, and its general rule common to lands under both inland and seaward waters was cited with approval by 52 Supreme Court decisions and 244 State and Federal court decisions prior to the decision in the California tidelands case. Excerpts from some of these opinions are included in appendix G of the report of the Interior and Insular Affairs Committee on Senate Joint Resolution 13, page 77.

The majority opinion in the California case concedes that the Supreme Court in the past has indicated its belief that this Pollard rule of State ownership applies equally to all lands under navigable waters within State boundaries, whether inland or seaward.

Mr. President, those who are trying to accuse the States of taking something they have never owned, those who accuse the coastal States of proceeding in bad faith, should read the decision of the Supreme Court in the California case. That decision was by Mr. Justice Black, and it should be read carefully, because he himself says the States have been acting in good faith.

Mr. Justice Black said for the majority in the California case:

> As previously stated this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also

owned soils under all navigable waters within their territorial jurisdiction, whether inland or not.

Mr. President, if this rule of State ownership of land was enough to make all the previous courts believe that the States owned their submerged lands, whether inland or not, so long as they were within the State boundaries, it certainly was enough to justify the belief of the 21 coastal States that they owned these lands, and that these lands were theirs; and that belief existed for approximately 150 years after the Union was formed. No Federal Government official ever made a claim to these lands until 1937.

On the contrary, as was pointed out yesterday on the floor of the Senate by the Senator from Florida [Mr. HOLLAND], time after time officials of the Federal Government wrote opinions in which they said the States owned not only the lands beneath the inland waters and the lands beneath the Great Lakes, but also the lands beneath the marginal sea within the 3-mile or the 3-league belt of the coastal States.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). Does the Senator from Texas yield to the Senator from Illinois?

Mr. DANIEL. I yield.

Mr. DOUGLAS. I thank the Senator from Texas for his courtesy, and I wish to affirm what every Member of the Senate knows, that the Senator from Texas has probably had the greatest legal experience with this issue of any Member of this body, and perhaps of any citizen of the United States, because he very ably represented his State in the proceedings before the Supreme Court. In a sense, therefore, I feel as though I were a third-rate prizefighter being sent in at the last minute to contest against the champ.

Mr. DANIEL. I thank the Senator from Illinois for his flattering remarks. I stand ready now for the Senator's blows. [Laughter.]

Mr. DOUGLAS. Do I correctly understand the Senator from Texas to be contending that for the Federal Government to retain the paramount rights in the submerged lands is equivalent to the Federal Government's putting into effect a program of national socialism?

Mr. DANIEL. The Senator from Texas said that if the theory of paramount rights of the Federal Government were carried to its logical conclusion, it would result in national socialism, because the Federal Government has paramount rights in national defense and international affairs, over your home, over the streets of this city, over the streets and roads of the States, over farms, ranches, and everything else. The Federal Government can take any property it wants for national defense or for use in connection with international affairs. It can exercise its paramount right to take any property, but heretofore it has always been held that the Federal Government must pay just compensation. In the tidelands opinions, the same kind of reasoning was used, namely, that the Federal Government has paramount rights over this property; but nothing was said about paying any compensation to the States. If that rule were extended to private property, we would end up with nationalization of property. I believe that, if Dean Roscoe Pound made such a statement, it certainly is not an exaggeration for the Senator from Texas to concur in it.

Mr. DOUGLAS. Do I correctly understand that the Senator from Texas is contending that ownership of and title to the submerged lands seaward from the low-water mark to the degree that they are covered in Senate Joint Resolution 13, should be vested in the States?

Mr. DANIEL. That is correct.

Mr. DOUGLAS. Then is not the Senator from Texas advocating State socialism?

Mr. DANIEL. No.

Mr. DOUGLAS. What difference does it make which level of government owns and operates the property, so far as the rather emotion-arousing word "socialism" is concerned? Is it not government ownership in either case?

Mr. DANIEL. The Senator from Texas is not saying that Federal ownership of the lands beyond low tide would create State socialism or nationalization of property. What the Senator from Texas said was that, if the reasoning of the Senator from Illinois as to the Texas and Louisiana tidelands cases is carried forward to private property, then it would create national socialism.

Mr. DOUGLAS. But to defend us against any such danger to private property, we have the protection of the Constitution, which provides that no property can be taken without due process of law, and without just compensation.

Mr. DANIEL. Does not that protection apply to the States as well as to private persons?

Mr. DOUGLAS. Certainly. But now we come to the question as to whether the States ever had ownership of or title to the submerged lands seaward from the low-water mark.

Mr. DANIEL. Mr. President, I should like to say that the courts of our land have held that the constitutional provision that the Federal Government shall not take property without just compensation applies equally to States and political subdivisions, as well as to individual citizens.

Mr. DOUGLAS. Let that be true. Now, I should like to raise a question regarding the Pollard case, which the Senator used as his principal precedent. Is it not a fact that the Pollard case involved lands which were originally washed by the tides of the Mobile River, and, partially, of Mobile Bay, and which, over the passage of years, later became filled. That being true, did not the Pollard case involve lands washed by tides and inland waters? Am I not correct in stating that this case in no way concerned lands seaward from the low-water mark, which is the area of land covered by the pending joint resolution now under dispute?

Mr. DANIEL. The Senator from Illinois is correct as to the particular lands involved in the Pollard case. But if the Senator from Illinois will read the Pollard decision——

Mr. DOUGLAS. Which I have.

Mr. DANIEL. He will find that the court was trying to arrive at a general rule of law, and then to see whether the property under the Mobile River came within that general rule of law; and, in arriving at the general rule of law, the Supreme Court of the United States determined the boundaries of Alabama—at least, it recited those boundaries—and it said, under the boundaries Alabama extended its jurisdiction into the sea.

"Into the sea." It went on to say that the particular lands under navigable waters involved in the Pollard case came within the rule that the States did not grant any of their lands beneath navigable waters to the United States, but retained them. So in the Pollard case there was a statement of a general rule of law applied to particular submerged lands.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. DANIEL. I yield to the Senator for another question.

Mr. DOUGLAS. Was not this general statement made by the court what is called obiter dictum, so far as the facts of the case were concerned, namely, a statement that was non-germane and irrelevant to the question of submerged lands seaward from the low-water mark? Obiter dicta, while interesting, have never been held to be controlling on future courts or future decisions?

Mr. DANIEL. I do not agree with the Senator from Illinois that the rule stated in the Pollard case was obiter dictum. I want to make my position perfectly clear. There was no land beyond low tide on the sea involved in the Pollard case.

Mr. DOUGLAS. That is correct.

Mr. DANIEL. Nor was there in many of these other cases. But the rule of law stated was like a rule of law that contracts without consideration are not valid within a certain State. Merely because for 100 years we have had court decisions involving written contracts, and every time a case involving a written contract arises the court lays down the rule, "Contracts in this State are not enforceable unless there is a consideration," that would be no reason for saying that these decisions are dicta when applied to an oral contract. The Supreme Court in the Pollard case stated the general rule of law, exactly the same as if the Congress had written a general rule of law, that the States own all lands beneath navigable waters within their boundaries. It is not obiter dictum when the court has to state a general rule of law in order to arrive at a particular decision, which rule of law might be broader than is necessary to cover the particular property involved. Let me give a quotation from Mr. Justice Oliver Wendell Holmes, on that point if I may. Justice Holmes said:

> Jurisprudence, as I look at it, is simply law in its most generalized part. Every effort to reduce a case to a rule is an effort of jurisprudence, although the name, as used in English, is confined to the broadcast rules and most fundamental conceptions. One mark of a great layer is that he sees the application of the broadcast rules.

Mr. Justice Holmes then went on to state that—

> There is the story of a Vermont justice of the peace, before whom a suit was brought by one farmer against another, for damages for breaking a churn. The justice of the peace took time to consider, and then said he had looked through the statutes and could find nothing about churns, and gave judgment for the defendant.

That is the reasoning the Senator from Illinois would have us apply to this subject.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, will the Senator yield for another question?

Mr. DANIEL. I will yield in a moment. The Senator would have us apply that theory in this case. Because many times the general rule was stated broader than necessary to apply to the particular property involved, he would call it dictum and say it should not be given any weight.

I now yield to the Senator from Louisiana.

Mr. LONG. To show the kind of dictum the Senator from Illinois has in mind, I may say that about 1842, in the case of Martin against Waddell, someone held a lease from the State of New Jersey for an oyster bed in Raritan Bay. A suit arose between the lessee of the State and claimants under a Federal lease. The Supreme Court held that the State owned that property, and the State could give a good lease, because, it said, the State of New Jersey, when it won its independence, had acquired all the rights the King of England had had, and the States owned all the lands beneath their navigable waters.

Mr. DANIEL. Within their boundaries.

Mr. LONG. Had that lease applied to the Senator from Illinois, he would have been in the position of saying, "We have here a case involving a mere declaration of principle"——

Mr. DOUGLAS. No.

Mr. LONG. "And since that is the case, the Government should go ahead and take the land, because the rule would not apply."

Mr. DOUGLAS. Not at all. May I be permitted to reply briefly to the Senator from Louisiana?

Mr. DANIEL. I yield.

Mr. DOUGLAS. Is it not true that the Waddell case, to which the Senator from Louisiana refers, covered submerged lands in Raritan Bay, and that Raritan Bay had always been regarded as an inland navigable water, and therefore there was no new rule introduced? All these cases involved either (a) tidelands proper or (b) submerged lands under navigable inland waters. The Senator could try to stretch these cases to eternity, but he could not make the facts of the cases extend to submerged lands seaward from the low-water mark.

Mr. DANIEL. And, Mr. President, neither can the distinguished Senator from Illinois find anything in the 52 Supreme Court cases which limits the rule of law to inland waters or to rivers or to the Great Lakes. I shall point out to the Senator from Illinois that this rule began with tidewaters of the open sea. As applied to the State of Illinois, the boundaries of that State extend 40 miles into Lake Michigan. The title of the State of Illinois to the lands which are beneath the lake was held not to rest on the fact that they were beneath inland waters. Those lands have the same characteristics as lands under the open sea. Another court referred to these waters as the "high seas." In the past the rule was held to apply to all navigable waters within the coastal boundaries of the States.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. DANIEL. I should like to go further into that point, and then I shall yield.

UNWARRANTED DISCRIMINATION

Third. It would be rank discrimination against the coastal States to exclude their marginal-sea lands from this rule of State ownership while continuing its application to the far greater bodies of lands beneath inland waters and the Great Lakes.

Yet that is exactly what the supporters of S. 107 and S. 1017, the Anderson bills, would do. They propose to quitclaim and quiet the titles of the Great Lakes States to 38 million acres of submerged lands, and also 28 million acres of lands under inland waters, while taking away from the 21 coastal States their smaller area of 17 million acres within their seaward boundaries.

Thus, we shall see the distinguished Senator from Illinois [Mr. DOUGLAS] defending with all his might the ownership by Illinois of 976,000 acres beneath Lake Michigan while he rejects the same claim of ownership for the coastal States.

We shall see the distinguished Senator from Minnesota [Mr. HUMPHREY] fighting with one hand for Minnesota's 1,415,680 acres under the Great Lakes which extend 32 miles from the shore, while with the other he flays the coastal States which have held their submerged lands under the same rule of law.

The cry is that all these coastal lands within seaward boundaries should be put in a common pot for all the people to enjoy. They lie offshore from 3 miles to 3 leagues distance. I ask why not include the submerged lands of their own States in the common pot? They are just as valuable and cover a greater area.

As I said earlier, Mr. President, the record shows that there is 10 times as much oil being produced from land underlying the inland waters as from the marginal belt of the coastal States. The Great Lakes States do not stop at 3 miles or even 3 leagues from shore. As I pointed out, some of them run from 20 to 75 miles from shore. Illinois runs its seaward boundary 40 miles from the shores of Lake Michigan. Minnesota's boundary extends 36 miles from shore.

Mr. THYE. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield.

Mr. THYE. Not only would possible oil deposits under the Great Lakes be involved, but other mineral deposits would also be involved. Is not that correct?

Mr. DANIEL. That is true.

Mr. THYE. It applies to deposits of minerals, such as iron ore, under the margins of the Great Lakes, as well as under inland lakes in the State of Minnesota.

Mr. DANIEL. The Senator is correct.

Mr. THYE. The State of Minnesota recognized that fact, many years ago, when it authorized the attorney general of the State to participate with other States in a suit in the United States Supreme Court involving the protection of the rights of such States.

Mr. DANIEL. That is correct. We have telegrams and letters from the Governor and the attorney general of Minnesota, from port authorities, and many others in support of the proposed legislation. Earlier, I will say to the Senator from Minnesota, I read the report of the Governor of Minnesota on that point.

Mr. THYE. I thank the Senator.

Mr. DOUGLAS. Mr. President——

Mr. DANIEL. Mr. President, I yield to the Senator from Illinois. I still have not completed the point as to the rule of law dealing with the marginal sea.

Mr. DOUGLAS. I was going to ask the Senator from Texas some questions about the inland waterways, but if he would rather have me withhold them at this time, I shall be glad to do so.

Mr. DANIEL. If I may, then, I should like to proceed to cover the point to which I have referred, and I think the Senator from Illinois will understand why I say that it is not a matter of obiter dictum, because the rule of law actually developed from Crown ownership of the lands beneath the tidewaters of the marginal sea and was later broadened to cover other lands under other navigable waters.

There is no English or American decision indicating that the sovereign-right theory of State ownership is only an inland-water rule. On the contrary, all court decisions on the point indicate and say that the rule of State ownership applies to all lands which are, first, beneath navigable waters, and, second, within State boundaries.

The whole rule of ownership of land under navigable waters as a sovereign right grew from the common law's recognition of ownership by the king of soils under the tidewaters of the adjoining marginal seas. The rule was extended to bays and rivers as "arms of the sea," and since then all of such submerged lands have come within the same rule of ownership as a sovereign right so long as they are, first, navigable, and, second, within the jurisdiction or boundaries of the sovereign concerned.

As early as 1610, in *The Case of Royal Fishery of River Banne* (80 Eng. Rep. 540), the highest court of England related the history of and stated the rule to be as follows:

> The reason for which the King hath an interest in such navigable river, so high as the sea flows and ebbs in it, is, because such river participates of the nature of the sea, and is said to be a branch of the sea so far as it flows; * * * And that the King hath the same prerogative and interest in the branches of the sea and navigable rivers, so high as the sea flows and ebbs in them, which he hath in alto mari, is manifest by several authorities and records.

This derivation of the one rule applicable to lands under all navigable wa-

ters was recognized in many United States Supreme Court cases, including the following:

In *Weber* v. *Board of Harbor Commissioners* (18 Wall. 57, 66 (1873)):

The title to the shore of the sea, and of the arms of the sea, and in the soils under tidewaters, is, in England in the King, and in this country in the State.

For exhaustive discussion of the rule and how it was extended from the sea to cover all navigable waters, see *Shively* v. *Bowlby* (152 U. S. 1), wherein it is said:

In England, from the time of Lord Hale, it has been treated as settled that the title in the soil of the sea, or of the arms of the sea, below ordinary high water mark, is in the King.

Then, what about the situation in this country? I resume my quotation from the decision of the Supreme Court of the United States:

And upon the American Revolution, all the rights of the Crown and of Parliament vested in the several States, subject to the rights surrendered to the National Government by the Constitution of the United States.

It is made clear in the opinion that these surrendered rights are paramount but regulatory and do not involve any proprietary rights.

The history of this ownership as a sovereign right under all navigable waters within State boundaries is summed up in the able text of Gould on Waters—Chicago, third edition, 1900—as follows:

The rule of the modern common law, whereby the king has a private interest, apart from the ownership of the adjoining lands, in those tide waters which are within the territory of England, appears to be connected historically with the above claim of sovereignty over the sea, and to be derived therefrom (p. 7).

I am reading from page 7 of a book by one of our most eminent authorities on waters and lands beneath the waters of this country.

Those rivers and parts of rivers in which the tide ebbs and flows are known as "navigable" rivers, and by the common law they are vested prima facie in the Crown. Hence, as was said in an early case, "all navigable rivers in England appertain to the King." They are arms of the sea—

Not inland waters, but arms of the sea—

and the King has them because they partake of its nature. This ownership is for the public benefit, and in this country each State, as sovereign, has succeeded to the rights which the King formerly possessed in such rivers and in the soil beneath (p. 100).

The unity of this rule of property and State-Federal relations, as applied to both inland and coastal waters within States boundaries, properly accounts for the great concern of all the States, both inland and coastal, in its preservation.

Here we have a navigable water rule: State ownership of all lands beneath navigable waters within their boundaries originated with sovereign ownership of the land beneath the marginal sea. If the very foundation of the rule is destroyed, naturally the extension of the rule as it applies to the inland waters and to lands under the Great Lakes is destroyed. That is why inland State officials are worried. They do not want this rule destroyed at its very foundation. They can see that if the theory of the recent Supreme Court decisions can be made to apply to the foundation of the rule, it may also be extended to lands under rivers, lakes, and other inland waters.

The unity of this rule also accounts for the fact that all previous members of the Supreme Court have written the rule broad enough to cover all navigable waters, whether inland or not. There is no dispute that the tidewater area within the marginal sea is navigable both in law and in fact, and that all such areas covered by this legislation are within the lawful boundaries of the respective States.

The Senator from Florida [Mr. HOLLAND] pointed out yesterday that the joint resolution is limited to lands beneath navigable waters and within original or historic State boundaries, boundaries as they existed at the time the States entered the Union, or as they were thereafter approved by the Congress of the United States, as in the case of Florida.

In the above-mentioned Pollard decision—*Pollard* v. *Hagan* (3 How. 212, 229), Mr. Justice McKinley expressly said that "the territorial boundaries of Alabama have extended all her sovereign powers into the sea"—page 230—and stated the broad question of the case as being "whether Alabama is entitled to the shores of the navigable waters, and the soil under them, within her limits"—page 225.

The Senator from Illinois [Mr. DOUGLAS] speaks of the Pollard decision as a rule applying to inland waters. If that be so, why did the Supreme Court of the United States state the rule in a broader way, and why did the Supreme Court say that Alabama's boundaries extended out into the sea? They were looking to see if the property involved was within the boundaries of Alabama, not if it was under inland waters, so they stated that the boundaries of Alabama extended into the Gulf of Mexico.

Holding that Alabama's sovereign municipal power was the same on the sea as on the shore within her boundaries, the Court said:

First, the shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States (3 How. at 230).

Note the emphasis and the controlling points for State ownership of all lands beneath all navigable waters within State boundaries in the following excerpts from other learned Justices:

Chief Justice Taney, in 1842, in the first case establishing the rule, said:

For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.[1]

Does the decision say "lands beneath inland navigable waters"? No. It says "navigable waters and the soils under them."

Mr. Justice Clifford in 1867 said:

Settled rule of law in this Court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders. When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.[2]

Did the Court limit that to inland waters? No. It included all waters within the boundaries of the State.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. DANIEL. I yield for a question.

Mr. CHAVEZ. I do not desire to interfere in any way with the argument the Senator from Texas is now making, but I should like to ask a question with respect to his argument and the law he is quoting. The Senator from Texas is speaking with reference to waters. Has he given any thought to the carrying out of the same idea with respect to public lands in the Western States, such as lands under the control of the Forest Service and the Bureau of Land Management, whether such lands be in Texas, New Mexico, Arizona, or elsewhere in the West?

Mr. DANIEL. I have not given any extended thought to that particular subject, except as I have observed that the Federal Government in the management of its minerals has not received anywhere near the amount the States have received from State management of mineral lands. That is as much as I have gone into the matter thus far.

Mr. CHAVEZ. The reason I have asked the question of the junior Senator from Texas is that in my State practically 63 percent of the entire area of 122,000 square miles is either Federally owned or State owned, and not 1 cent of taxes is derived from that land.

I believe there may be some justification for the argument being made by the Senator from Texas with reference to tidelands, especially in Texas, but if the submerged lands which are off the shore lands within certain States are to be given to those States, why, by the same token, should not lands within any other State be given to the particular State?

Mr. DANIEL. The Senator from Texas would not like to get into any argument or discussion of the comparison, except to say that there is a difference: the State of New Mexico may be entitled to receive more of the public lands. Already the Federal Government owns 24 percent of all the land within continental United States. If the policy of the tidelands decisions is continued, the Government will take over more and more land within the United States. But there is not an exact comparison between federally owned lands which have always been claimed by the Federal Government and never claimed by the States, and lands within the marginal belt of Texas which have always been claimed by the State and never by

[1] *Martin* v. *Waddell* (16 Pet. 367, 410 (1842)).

[2] *Mumford* v. *Wardwell* (6 Wall. 423, 436 (1867)).

the Federal Government until 1948. So there is that difference, although I concede that there might be other considerations which would be analoguos.

Mr. CHAVEZ. The Senator contends that continuously certain States have claimed the tidelands, but the law up to the moment is to the effect that such lands belong to the Federal Government. Otherwise, we would not be debating the joint resolution. Is not that correct? Up to the moment the courts have held that such lands belong to the Federal Government.

Mr. DANIEL. I yielded for a question. The Senator's question is whether the courts have held that such lands belong to the Federal Government.

Mr. CHAVEZ. That is correct.

Mr. DANIEL. That is not what the courts have held. The courts have held that the Federal Government has paramount rights and powers over such lands. The Supreme Court refused to hold that the Federal Government had ownership of them. It clearly held that the Congress has the right to determine the question of future ownership of the property.

Mr. President, I should like to continue my argument.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DANIEL. I am just about to conclude my discussion of certain decisions. I should like to complete the quotations from the decisions which emphasize the points I have tried to make. The Supreme Court of the United States, in all its decisions, was not at all concerned with the question of whether the submerged lands under consideration were within inland waters. It was applying a rule which is broader than that applicable to all navigable waters within State boundaries. When the Supreme Court states that broad rule in deciding the ownership of lands beneath inland waters, it is not dictum as to lands which are beneath the navigable waters of the marginal sea within State boundaries.

Mr. Justice Field in 1873, for a unanimous Court that included Chief Justice Chase, said that—

> All soils under the tidewaters within her limits passed to the States.[3]

He was referring to California.

Mr. Justice Bradley in 1876 said:

> In our view of the subject the correct principles were laid down in *Martin* v. *Waddell* (16 Pet. 367), *Pollard's Lessee* v. *Hagan* (3 How. 312), and *Goodtitle* v. *Kibbe* (9 How. 471). These cases related to tidewaters, it is true; that they enunciated principles which are equally applicable to all navigable waters * * * it (the bed and shore of such waters) properly belongs to the State by their inherent sovereignty.[4]

Chief Justice Waite in 1876 said that—

> Each State owns the beds of all *tidewaters* within its jurisdiction.[5]

Did the Court say "tidewaters under bays" or "tidewaters and lands under rivers" or "inland waters"? No. The Court said:

> Each State owns the beds of all tidewaters within its jurisdiction.

Mr. Justice Gray in 1894 said:

> The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands under them, within their respective jurisdictions.[6]

Not "within their inland waters," but "within their respective jurisdictions."

Chief Justice White said in 1912:

> Each State owns the beds of *all tidewaters* within its jurisdiction.[7]

Chief Justice Taft in 1926 said that—

> All the proprietary rights of the Crown and Parliament in, and all their dominion over, lands under tidewater vested in the several States.[8]

Chief Justice Hughes said in 1935:

> The soils under tidewaters within the original States were reserved to them respectively, and the States since admitted to the Union have the same sovereignty and jurisdiction in relation to such lands within their borders as the original States possessed.[9]

So we see that in these cases, and in all the other cases to which I refer, the Court, in determining who owns lands beneath navigable waters, has simply applied two tests, namely, first, "Is the land beneath navigable waters?" and, second, "Is it within State boundaries?" The Court has never applied the test of "whether the waters happen to be inland waters."

The rule is so broad because it actually grew up from the marginal sea and was extended to inland waters as arms of the sea. That is why the rule is stated so broadly; and because it is stated so broadly and applies to all the inland waters, as well as marginal sea waters, officials of the States do not want to see the rule destroyed as to any States, especially as to the States and the area in which the rule itself originated.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. DANIEL. I yield.

Mr. DOUGLAS. Do I correctly understand the Senator from Texas to say that the question of who has ownership of and title to submerged lands started first out at sea, in the marginal or territorial sea, however broad that might be, and then proceeded inland to bays and ports, and then rivers, and finally to inland lakes, and that all the other rules are derivatives of the law of the sea?

Mr. DANIEL. That is exactly what the text writers and the decisions of our own Court, as well as the English decision from which I quoted, have said as to the origin of the rule.

Mr. DOUGLAS. Is he further stating that the first case on the right of a nation to submerged lands under the open sea was the case decided in England in 1611, from which case the Senator quoted earlier in his remarks?

Mr. DANIEL. The 1610 case was the first case explaining the origin of the rule in the common law. It was the case of the River Banne.

Mr. DOUGLAS. The Senator from Texas will, of course, permit the Senator from Illinois to point out that the case referred to was a British case, and that England, or Great Britain, is what is known as a unitary government; that is to say, there is a national government which has external jurisdiction, but there are no state subdivisions within Great Britain. Great Britain has internal jurisdiction as well. In the United States, however, we have a Federal Government, or a so-called National Government, having jurisdiction over foreign affairs, with the State governments being given large powers over domestic affairs. Is not that true?

Mr. DANIEL. That is true; and that is exactly why, in England, the King had both the governmental powers and the ownership.

But when the Colonies, and then the original States of this Nation, won their freedom, they did not give proprietary rights to the Federal Government unless they expressly described the property and granted it for certain purposes. Certain paramount governmental powers of the King were delegated to the National Government in our country, but, according to all our court decisions, the proprietary rights in soils under navigable waters were left by the Constitution in the States, and not delegated or transferred to the National Government.

Mr. DOUGLAS. I should like to point out to the Senator from Texas that in England it may well be true that the same political authority which had jurisdiction over submerged lands seaward from the low watermark should also have jurisdiction over submerged lands in bays, ports, rivers, lakes, or inland waters. There was no other government to have it. But in this country we have a federal system, and we have the problem of delimiting where the authority of the Federal Government stops and where the authority of the State government begins. We have to decide what are the essential incidents of national sovereignty and what are the powers of the States. The Senator from Texas would extend the State powers and ownership all the way from the lakes, the rivers, and the harbors out to the sea.

Mr. DANIEL. Mr. President, I would do for the State of Texas, out to our historic boundaries 3 leagues from shore, exactly what the Senator from Illinois would do for his State of Illinois. I would claim and ask the Congress to leave us with the ownership we have had and the uses we have had for all these many years in regard to the lands beneath those waters exactly as the Senator from Illinois would ask the Congress to leave the State of Illinois with 976,000 acres which have been held by his State under the same rule of law.

Mr. GOLDWATER. Mr. President——

The PRESIDING OFFICER (Mr. MARTIN in the chair). Does the Senator from Texas yield to the Senator from Arizona?

Mr. DANIEL. I will yield only on the point I have covered, because I am coming to another point. I yield to the Senator from Arizona.

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[3] *Weber* v. *Harbor Commissioners* (18 Wall. 57, 66 (1873)).

[4] *Barney* v. *Keokuk* (94 U. S. 324, 338 (1876)).

[5] *McCready* v. *Virginia* (94 U. S. 391, 394 (1876)).

[6] *Shively* v. *Bowlby* (152 U. S. 1, 57 (1894)).

[7] *Abby Dodge* (223 U. S. 166, 174 (1912)).

[8] *Appleby* v. *New York* (271 U. S. 364, 381 (1926)).

[9] *Borax Consolidated* v. *Los Angeles* (296 U. S. 10, 15 (1935)).

Mr. GOLDWATER. I should like to ask the distinguished junior Senator from Texas this question: If what the opponents of the pending measure hold to be true, that the Federal Government has rights to the submerged lands, what would be the effect on the 210,000 acres of submerged lands in a comparatively dry inland State such as Arizona?

Mr. DANIEL. Federal officials in the past have claimed that they would not ever seek title to the rivers and waters of the Senator's State. They started saying that when they felt it was necessary to prevent the passage of legislation like the measure which is now before the Senate. But I would say to the Senator from Arizona that the principles which have been applied to the marginal sea in the three tidelands cases could be applied some day in the future to his State if Federal officials ever wanted to apply them. At least they to some extent clouded the title of the Senator's State and the State of Alabama and all the other States represented on this floor to their rivers.

The very same Federal officials who first came before the Congress in support of the Nye resolution said to the committees of Congress, "The Federal Government has the right to all the natural resources, the oyster beds, and other things, in the inland waters." I wish Senators would not forget that. In recent years Federal officials have receded from those claims and said they would be willing to cede such rights to the States. They need to do that in order to divide and conquer the coastal States. But it was said by them in 1937: "The Federal Government has the same right under the rivers and the inland waters as under the marginal sea lands."

Mr. GOLDWATER. Mr. President, will the Senator further yield?

Mr. DANIEL. I yield to the Senator from Arizona.

Mr. GOLDWATER. In view of the recent Fallbrook case, in which the Federal Government tried to do just what the Senator has been stating, we in Arizona are disturbed by the possibilities arising from that case, because our Colorado River is a navigable stream for from 135 to 150 miles. Recurring to the question I put to the Senator before, the fact that the Colorado River is a navigable stream leads me to ask him whether, if the Federal Government claimed the rights to the lands off the shores of the Senator's State which have been historically the property of that State, it could claim the same rights to lands under the Colorado River or any other navigable water in my State.

Mr. DANIEL. I should think so. In the Fallbrook case the Federal officials, after their pleadings had been revealed and reported to Congress, said, "We are not claiming the paramount right, we are not claiming the same rights over the Santa Margarita River as on the marginal sea lands."

However, if the Senator will look at the Federal pleadings in that case, involving an inland river, he will find at the very end of the pleadings the Government included the phrase "and paramount rights" as being claimed by the Government in those waters.

I am sure the Senator is familiar with the North Platte River case, in which Nebraska and Wyoming were suing over the waters of the North Platte River. That was in 1935. In that case the Secretary of the Interior intervened and claimed that the Federal Government owned the waters within the North Platte River. By the way, the Court did not decide the point. It left it undecided, as to whether the Federal Government was the original owner of those particular waters.

So, Mr. President, I say that those who accuse us of trying to mislead inland States are not looking at the facts and the evidence, or they would realize why 47 States have sent officials to the Congress asking for the enactment of the very legislation now pending.

Mr. GOLDWATER. I thank the distinguished Senator from Texas, and I wish to express my interest, as a Senator from the State of Arizona, in this subject, as stemming from the fear that if the Federal Government can encroach on the rights of the Senator's State, it can encroach on the rights of Arizona. The fear I express today is but a continuation of the feeling that has been expressed by the Attorney General of Arizona in 1948 and 1949.

I thank the distinguished Senator from Texas very much.

Mr. DANIEL. I thank the Senator from Arizona.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield to the Senator from Florida.

Mr. HOLLAND. I compliment and congratulate the distinguished Senator from Texas on the real contribution which he is making to the debate, in pointing out so clearly that the so-called inland-waters rule is nothing in the world but a derivation and an extension of the rule already existing and announced earlier with reference to the bottoms of our coastal belt or marginal sea.

In connection with that matter, I remind the distinguished Senator that the Federal Government has already clearly indicated its attitude toward the so-called inland-waters rule. I quoted yesterday from the brief of the Federal attorneys in the California case on that precise point. For instance, those attorneys said, as appears on page 11 of the brief——

Mr. DOUGLAS. Mr. President, will the Senator from Florida read the next sentence?

Mr. HOLLAND. I wish the Senator from Illinois would permit me to ask my question. He will then have ample time to propound such other questions as he may desire. To continue, the Senator from Texas will recall also that able Federal counsel in the case to which I have alluded continued in the showing of their displeasure with the inland-waters rule, or disapproval of that rule, by using such words as "erroneous," "unsound," wrong," "patently unsound," "fallacy," and "a legal fiction," all those words relating to the inland-waters rule.

The question I wish to ask the distinguished Senator is this. Was not the fact that Federal counsel so referred to the inland-waters rule, at a time when they were attacking the mother rule, that is, the rule relating to the beds of the marginal sea, a completely logical course and almost a necessary course if Federal counsel desired to be fair and honest, in that they were calling attention to the fact that while they were disapproving and attacking and seeking to set aside the marginal-sea rule, they could not at the same time approve the inland-waters rule, which they knew to be derived from and a part of the general rule which the Senator has so ably mentioned?

Mr. DANIEL. The Senator from Florida is certainly correct, and I thank him for bringing out that point.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. DANIEL. I yield.

Mr. HOLLAND. If it was logical and necessary for Federal counsel to make that point, is it not also logical and necessary for those who are defending the rights of the States, including the attorneys general and the other representatives of the States which have inland waters, to come to that precise conclusion, and to recognize and realize the fact that the Federal attorneys in attacking the rule applicable to submerged lands under the marginal sea were already challenging, and were honest enough to say so in their brief in the California case, the titles of the States to the submerged lands under their inland waters?

Mr. DANIEL. Certainly, the Senator is correct.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. DOUGLAS. Mr. President, will the Senator from Texas yield for a question?

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). Does the Senator from Texas yield to the Senator from Illinois?

Mr. DANIEL. I yield.

Mr. DOUGLAS. Would not it be well for the Senator from Florida to quote and for the Senator from Texas to take into account not only the sentence from the Government's brief which the Senator from Florida read, as follows:

> However, we submit that ownership of submerged lands is not related to sovereignty at all, and that the decisions of this Court dealing with tidelands and lands under inland waters have proceeded upon a false premise—

But also the express disavowal contained in the following sentence of the brief, which I now read:

> The Government does not ask that those cases be overruled; indeed, it suggests that in the interest of clarity and certainty they be reaffirmed herein.

In other words, was not the Government saying that the Court should not overrule the decisions in these cases in regard to inland waters, but should in effect reaffirm them?

Mr. DANIEL. The Senator from Illinois has correctly read from the Government's brief in the California case. However, the answer is that in that case the Supreme Court did not follow the suggestion. The Court did not reaffirm the rule of State ownership of lands

beneath inland waters within the boundaries of the States.

Furthermore, anything the Government attorneys wrote in their brief as to what should be done by way of equity is not binding on the United States.

I should like to point out to the Senator from Illinois that on the same day when the Government filed that brief, in which the Government attorneys criticized the State ownership of lands under inland waters, but said it is all right for the Court to reaffirm that ownership—thus giving assurances to the inland States, as it were—the Attorney General of the United States, when in the Supreme Court Building, handed to the newspaper reporters a news release in which he said:

"Whatever the decision of the Court may be in the California case, it would not be decisive as to the rights of any other State. The United States bought California from Mexico and paid $15 million for it. When it was admitted to the Union it was with the express statutory mandate that the United States retain all of the lands within its boundaries. Other coastal States are on an entirely different footing."

When asked regarding his native State of Texas, the Attorney General pointed out that Texas had been an independent nation—a republic—for 10 years before it joined the Union. As a republic it owned all of the land within its boundaries, including the marginal sea, commonly called tidelands. This area, similar to that involved in the California case, extended into the Gulf of Mexico, and was under the sovereignty of Texas all during the republic, and was retained by it under the provisions of the Act of Admission.

In spite of that assurance, only a little more than a year later a lawsuit was filed against my State, and my colleagues know the result of that suit.

The point is that we cannot take the assurance of Federal officials that the inland States are in good condition and do not need to worry, any more than it was safe to take the assurance of the Attorney General that Texas would not be sued, for the same Attorney General later filed suit against the State of Texas, as the President directed him to do.

So Congress needs to act, if all 48 of the States are to be safe in the ownership of their lands beneath navigable waters.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield to the Senator from Florida.

Mr. HOLLAND. Is there any more reason for the States which have inland waters to trust and rely upon the assurance given in the brief of the Federal Government attorneys in the California case which has just been read by my distinguished friend, the Senator from Illinois, than there was reason for the States to believe that they could rely upon the earlier assurances given by the Secretary of the Interior, Mr. Ickes, and by all his predecessors in that office, to the effect that the States owned the submerged lands under the offshore waters within their boundaries?

Mr. DANIEL. There is less reason to believe the assurance contained in the brief than there was to believe the assurances which were given as to our marginal belt by all the Federal officials for more than 100 years. They went back on their word when it came time to try to take some land from the coastal States, and they might do it in the future as to inland States.

Mr. HOLLAND. Is it not true that in the California case, as reaffirmed in the Texas case and in the Louisiana case, we are given the definite warning by the Supreme Court that it will not apply in favor of States whose property is jeopardized or taken away by the Federal Government, equitable defenses such as estoppel, laches, adverse possession, and other equitable defenses which would apply as between individuals, and will not give any real effect to recitals, no matter from how dignified a source—even from the President himself—to the effect that the rights of the States are not jeopardized, if later officials come to a different conclusion and decide to attack the titles of the States in proceedings before the United States Supreme Court? Is not that true?

Mr. DANIEL. The Senator from Florida is correct.

In the California case the Court said:

No estoppel can arise here from any possible mistaken or unauthorized acts, statements, or commitments of officers of the United States.

In the same decision the Court said:

Officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act.

Mr. President, until 1937 there was less reason for the coastal States to worry about the ownership of their land than there is for the inland States to worry now. Today we are faced with a different situation, and both the coastal States and the inland States have just cause to ask for the enactment of this proposed legislation.

Mr. LONG. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield.

Mr. LONG. Were not the facts such that in the California case the State of California presented a great number of examples and much evidence to show that in many instances the Federal Government had recognized California's title and contended that the Federal Government was bound by the doctrine of estoppel? But did not the Supreme Court simply brush aside that point by saying that Federal agents could not be estopped, but that they could change their minds the next day and could move to attempt to have those lands seized, and that they had a right to do so?

Mr. DANIEL. That is the effect of the decision.

Mr. LONG. Is it not also true that the same Solicitor General who told us that we need not worry about having the Federal Government change its mind and need not urge that the decisions be reversed is the same person who told us that previously he had urged that the Court reverse its position, and that he felt the Court should reverse its position, in the long line of decisions relating to racial discrimination?

Mr. DANIEL. That is correct.

Mr. DOUGLAS. Mr. President, will the Senator from Texas yield to me?

Mr. DANIEL. I yield.

Mr. DOUGLAS. If the Senator from Florida cites the words of the Government's attorneys as threatening the ownership rights of inland States, is it not equally proper to cite other words of the Government's attorneys to neutralize the alleged threats on these points?

Mr. DANIEL. Yes; and then it is proper to decide which we shall believe—in other words, whether we shall believe that they are going to recognize State ownership or whether we shall believe that they will deny it and will file suit against us.

Mr. DOUGLAS. But do not the rights of the States in the submerged lands under the inland waters and in the tidelands rest not only on the assurances of the Government attorneys but also upon the long and unbroken chain of decisions on these points? I believe I have read approximately 52 cases which refer either to (a) the tidelands proper not only on bays but on the open sea, and many of those cases were quoted by the distinguished Senator from Texas; or (b) submerged lands under bays, harbors, ports; or (c) submerged lands under rivers; or (d) submerged lands under the Great Lakes.

In all those cases the Court said that those submerged lands belonged to the States. But until the California case arose, the Court never had before it a case involving submerged lands seaward from the low-water mark.

The question is whether the Court is bound by general words or statements in earlier opinions which must be applied immutably to individual cases no matter how different the facts may be, or whether the common law arises from individual cases and can be adapted to new conditions and to new situations which present themselves for decision.

Mr. DANIEL. I shall show the Senator from Illinois that the Supreme Court did consider the matter of ownership of oyster beds and fisheries attached to the soil within the 3-mile belt. That occurred in the Abbey Dodge case and in the case of Manchester against Massachusetts.

But at this time I prefer to cite the Senator from Illinois a case applying to his own State, namely, the case of Illinois Central Railway Co. against the State of Illinois.

Mr. DOUGLAS. I am delighted to have that case cited.

Mr. DANIEL. If that case is not directly in point in holding that the States own the lands under the open sea waters within their boundaries, then I do not know how a case can be in point.

First, Mr. President, let me call attention to the case of the *Genessee Chief* (12 How. 443 (1851)), in which it was held that the Great Lakes were the same as the open seas with respect to admiralty jurisdiction. I wish to quote from that case in order to lay the foundation to show the Senate that the Great Lakes have been held to be open seas, and that the same rule was applied to them as had been applied to the coastal States along the borders of the sea.

From the Genessee Chief case, I read from the opinion of the Supreme Court of the United States the following:

A great and growing commerce is carried on upon them—

That is, upon the Great Lakes—

between different States and foreign nations which is subject to all the incidents and hazards that attend commerce on the ocean. Hostile fleets have been encountered on them, and prizes been made, and every reason which existed for the grant of admiralty jurisdiction to the Federal Government on the Atlantic seas applies with equal force to the lakes. There is an equal necessity for the instance and for the prize power for the admiralty court to administer international law, and if the one cannot be established, neither can the other.

Then, in the case of United States against Rodgers, the Supreme Court went even further, saying——

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. DANIEL. I will yield in a moment. The Supreme Court went even further in United States against Rodgers, because it had to consider a law of the Congress which made the commission of certain acts on board a vessel on the high seas crimes, and in this case the vessel was on the Great Lakes. In that case the Supreme Court said:

The Great Lakes possess every essential characteristic of seas. They are high seas.

I am quoting the words of the Court. The Court went on to say that, regardless of the name you apply to them, they are high seas.

And the Supreme Court compared them to the Mediterranean, the Baltic, and the Black Seas, and then to the Atlantic Ocean and to the Pacific Ocean. The Court concluded that this law by the Congress applies to the Great Lakes because they are high seas, not inland waters.

Then, Mr. President, in 1893, the Congress passed an act applying to navigation in harbors, rivers, and inland waters of the United States. Did the Congress include the Great Lakes as inland waters? No; Mr. President, the Congress of the United States put in that act these words:

The words "inland waters" as used in this act shall not be held to include the Great Lakes and their connecting and tributory waters as far east as Montreal.

Mr. President, in view of the ruling by the Supreme Court that the Great Lakes were "open seas," when it came time to decide whether the State of Illinois had ownership of the soil seaward of low-tide on Lake Michigan, what rule did the Supreme Court apply? Did it apply an inland-water rule? No, Mr. President, it applied the rule of State ownership of lands on the borders of the sea.

As proof of this I should like to read from the case of *Illinois Central Railway Co.* v. *Illinois* (146 U. S. 387), rendered by the Supreme Court of the United States in 1892. The State of Illinois today claims ownership of 976,000 acres of land beneath Lake Michigan, within its borders, because that lake and the other Great Lakes are similar to the seas along the coasts of the States. This is what the Court said:

It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by the tidewaters within the limits of the several States belong to the respective States within which they were found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters. * * * This doctrine has been often announced by this Court and is not questioned by counsel of any of the parties.

The Court cites Pollards Lessee against Hagan and Weber against Harbor Commission.

The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes, over which there is extended commerce with different States and foreign nations. These lakes possess all the general characteristics of the open seas.

Did the Court say they were inland waters? No; the Court said they were seas, open seas. As the Court said in the Rodgers case, even though they are inland seas, they are high seas, and the same rule should apply as to admiralty jurisdiction that applies to the high seas along the Atlantic and Pacific. Continuing from the Illinois Central case:

These lakes possess all the general characteristics of open seas, except in the freshness of their waters and in the absence of the ebb and flow of the tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of land covered by tidewaters that is not equally applicable to its ownership and dominion and sovereignty over lands covered by the fresh waters of these lakes.

The Supreme Court of the United States goes on to say:

The Great Lakes are not in any appreciable respect affected by the tide, and yet on their waters, as said above, a large commerce is carried on, exceeding in many instances the entire commerce of States on the borders of the sea.

Does it say "exceeding the commerce of States on their inland waters"? No—

exceeding in many instances the entire commerce of States on the borders of the sea. When the reason of the limitation of admiralty jurisdiction in England was found inapplicable to the condition of navigable waters in this country, the limitation and all of its incidents were discarded. So also by the common law, the doctrine of dominion over and ownership by the Crown of lands within the realm under tidewaters is not founded upon the existence of the tide over the lands, but upon the fact that the waters are navigable, tidewaters and navigable waters, as already said, being used as synonymous terms in England.

And here, Mr. President, is the final holding of the Court, saying that Illinois owns these 976,000 acres of land:

We hold, therefore, that the same doctrine as to the dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies, which obtains at the common law as to the dominion and sovereignty over and ownership of lands under tidewaters on the borders of the sea—

Does it say anything about the same rule as applies to inland waters? No, Mr. President; it says that same rule applies to these Great Lakes as applies to ownership by the States of lands under tidewaters on the borders of the sea. And the Court continues—

and that the lands are held by the same right in the one case as in the other, and subject to the same trust and limitations.

That is why I say it would be unfair for the Great Lakes State of Illinois to hold on to 976,000 acres of land under Lake Michigan which was obtained under the same rule that applied to the coastal States, and to deny us the land we have within our 3-league boundary off the coast of the State of Texas.

The Illinois Legislature, I am glad to say, agrees with the argument I have just made. It disagrees with the distinguished Senator from Illinois. There will be found in the record of the hearings a joint resolution passed by the Illinois Legislature, which interprets these cases exactly as I have interpreted them for the Senate. The Illinois Legislature says:

Whereas the Supreme Court of the United States, in the case of *Illinois Central Railroad Company* v. *State of Illinois* (146 U. S. 387), held the Great Lakes to be "open seas" and that Illinois' ownership of that portion of Lake Michigan within its boundaries rested upon the same rule of law as "lands under tidewaters on the borders of the sea"; and

Whereas State ownership of lands beneath the waters within the seaward boundaries of the State has been challenged and clouded by Federal officials in recent years, all of which constitutes a threat against the State of Illinois and its political subdivisions and grantees in connection with its ownership of the above-mentioned land.

It goes on, and the Legislature of the State of Illinois resolves that Congress be petitioned to pass legislation at the earliest possible moment which will guarantee to the State of Illinois the continued ownership of the lands beneath those waters.

Mr. President, the reason why I have gone into all this history with reference to certain States—and all 48 States having navigable waters, and lands under them, with natural resources which are valuable—is that the lands are being held under the same rule of law as that under which Texas, Louisiana, Florida, and all the other coastal States have held their ownership all these years. They have done so in good faith under the same rule of law as was applied to the inland States and the Great Lakes States. I simply wish to stress the point that if Congress does something for some of the States with regard to submerged lands it should do the same thing for all the States.

The Anderson bills, supported by the Senator from Illinois [Mr. DOUGLAS], are unfair to the 21 coastal States, because they give more lands to the inland States than are involved in the coastal belt. The only fair thing for Congress to do is to write a rule of law for the future exactly as we understood it to be in the past, with all the States owning all lands and natural resources beneath the navigable waters within their boundaries, and not make fish of one and fowl of the other, because they all hold their lands under their navigable waters under the same rule and in good faith.

I now yield to the Senator from Illinois.

Mr. DOUGLAS. First, I should like to ask a question dealing with the memorial of the Illinois Legislature. Is it not a fact that all the legislature asked was that the title of Illinois to the submerged lands under the Great Lakes be confirmed?

Mr. DANIEL. I believe the Senator is correct.

The memorial says the Congress of the United States is petitioned to enact legislation at the earliest possible date which would confirm the State's ownership and full rights in all lands——

Mr. DOUGLAS. The Senator from Texas knows perfectly well that the two Anderson bills, Senate bill 107 and Senate bill 1252, provide precisely that. I am supporting those bills, and I am, therefore, conforming to the wishes of the Legislature of Illinois and supporting the long-established ruling of the Supreme Court on this precise point. That is the position of the junior Senator from Minnesota [Mr. HUMPHREY] and other Senators.

Mr. DANIEL. That is exactly the point I am trying to make. The junior Senator from Minnesota and the Senator from Illinois will support the Anderson bills, which will give nearly a million acres to the State of Illinois and a million and a half acres to the State of Minnesota, together with valuable minerals under the lands, but they will not support a resolution which will give the same justice and equity to the State of Texas, the State of Louisiana, the State of Florida, the State of Maryland, the State of Delaware, and all the other coastal States.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DANIEL. I yield.

Mr. JOHNSON of Texas. It appears that so long as proposed legislation does not give anything to the coastal States it is all right with the junior Senator from Minnesota and the senior Senator from Illinois.

Mr. DANIEL. That seems to be the argument.

Mr. LONG. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield.

Mr. LONG. Possibly my able colleague is not taking the right approach in trying to persuade the Senator from Illinois to go along with him.

A year ago the Senator from Illinois wanted to apply tolls on all inland waterways except on the Great Lakes. He finally agreed to amend his bill so that tolls would also apply on the Great Lakes. So I think that perhaps the Senator from Texas should suggest to the Senator from Illinois that, if the Senator from Texas is not successful in getting passed the bill which he is supporting, perhaps the Senator from Illinois will then join us in putting all lands beneath navigable waters into one common Federal pot rather than discriminate against coastal States.

Mr. DANIEL. I made the suggestion earlier this afternoon that those who think the coastal States should be stripped of their lands so they could be put into a common pot should be willing to do the same with the lands of their own States which have been held to be under the high seas, and not hold on to those millions of acres. If the rule is applied to the coastal States, it should also be applied to the Great Lakes States. Their land is just as valuable, and there is twice as much of it as there is in all the coastal State marginal belts put together.

Mr. HUMPHREY. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield.

Mr. HUMPHREY. First, I want to express my appreciation for the generous sentiments of the Senator from Louisiana and the Senator from Texas. I appreciate their great concern for Minnesota and Illinois. But would it not be a little more desirable, rather than saying we should make it a matter of equity, under their interpretation, to recognize that the Supreme Court has ruled in both the cases referred to——

Mr. DANIEL. I yielded for a question, not for a speech.

Mr. HUMPHREY. The Court has ruled in the case of Illinois Central against Illinois that the Great Lakes are inland seas and are, therefore, subject to the jurisdiction of the States bordering on them. The Court has ruled in another case that they are marginal seas.

My question is this: Is there any doubt in the Senator's mind that the Supreme Court, when it made its respective rulings, one in reference to inland seas and the other in reference to marginal seas, had all the facts before it pertaining to all the things the Senator is now presenting to the Senate?

Mr. DANIEL. There is no question in my mind but that the Court had those facts before it. I do not know where the Senator from Minnesota was when I first laid the foundation for my argument on this point.

Mr. HUMPHREY. I was present.

Mr. DANIEL. Is the Senator going to ignore the Supreme Court when it rules against him, and stand up for it when it rules in favor of him?

Mr. HUMPHREY. No.

Mr. DANIEL. In the case of United States against Rodgers the Court stated that the Great Lakes possessed every essential characteristic of seas and that the character of these lakes as seas was recognized by the Court in the Chicago Lakefront case.

The Senator from Minnesota knows what the Court held in the Illinois Central case. Later, did the Supreme Court in the Rodgers case say it held that the Great Lakes were inland waters and based its decision on that fact? No. It said in the Rodgers case, and I quote:

> The character of the lakes as seas was recognized by this Court in the recent Chicago Lakefront case, where we said, "These lakes possess all the general characteristics of open seas * * *."
>
> * * * bodies of water of an extent which cannot be measured by the unaided vision and which are navigable at all times, in all directions, and bordering on different nations or States or peoples, and find their outlet in the ocean as in the present case, are seas in fact, however they may be designated.

That is the Supreme Court of the United States speaking. It does not say anything about inland waters or inland seas.

There is nothing which the Senator from Minnesota can read into these decisions that would distinguish the theory of the Great Lakes decisions from the rule of law which applies to the marginal seas, the open seas, and the high seas, because the Court itself drew that kind of an analogy. The Court did not say the Great Lakes are inland waters. It said that the same rule applied as applied under tidewaters—I am now reading from the court's decision—"under tidewaters on the borders of the sea." The marginal sea is all that the Court could have been referring to.

So I say that if it is fair for the Great Lakes States to continue holding their immensely valuable property under the open seas or high seas or inland seas, however it may be desired to designate them, based upon the same rule of law under which the coastal States have held their land, then certainly it is fair for Congress to allow the 21 coastal States to hold an area less than half as great under the marginal seas within their respective boundaries.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DANIEL. I yield.

Mr. HUMPHREY. Is the Senator from Texas saying that the Supreme Court has ruled, in cases pertaining to the Great Lakes, that the resources and the land under the water are the property of the States? Is that what the Senator is saying?

Mr. DANIEL. I am saying that the Court has said that lands under the Great Lakes are the property of the States.

Mr. HUMPHREY. That is correct.

Mr. DANIEL. That is based upon the same rule under which the States on the borders of the sea own their submerged lands. The Supreme Court has said that the lands are held by the same right in the one case as in the other.

Now, subsequently the Supreme Court has said that coastal States do not own their lands on the borders of the sea, and therefore the rule applicable to my State and your State has been abrogated. I say it would be only fair that the Government, if it is going to hold on to our lands, should prosecute a case against the Great Lakes States, because their submerged lands are held under the same rule. It would be grossly unfair and discriminatory for the Federal Government to take away our lands and not apply the new rule to the Great Lakes States and take your lands. I do not want to see that done. I merely say that it would be unfair to take away our lands and at the same time allow the Great Lakes States to retain their lands, when both groups of States hold the lands under the same rule of law.

I believe the fair procedure would be to have Congress say to the Great Lakes States and the coastal States, "You may continue to have the ownership you thought you had in good faith since the beginning of the Nation."

Mr. HUMPHREY. The Senator then is stating that, under the ruling of the Court, lands under the Great Lakes are the property of the States. Is that his statement?

Mr. DANIEL. Yes, subject to what has been done to the rule by the recent decisions of the Supreme Court. It seems to me that the decisions in the Texas, Louisiana, and California cases have destroyed the rule. I think the Attorney General of the United States could go into court and obtain the same kind of judgment against the Senator's

State of Minnesota as was obtained against the State of Texas, if the Attorney General would be willing to try that procedure. The same rule of law has always applied.

Mr. HUMPHREY. I do not contest the prophetic vision of the Senator from Texas, but I am considering the matter according to the way in which the Court ruled. The Court has ruled, insofar as inland waters or insofar as the Great Lakes are concerned, however the Senator wishes to designate them—they are known on the map as the Great Lakes—that lands under those waters are the property of the States. Is that the case?

Mr. DANIEL. The Supreme Court ruled that lands under all navigable waters within all State boundaries are owned by the States, and up until the California tidelands decision, the Court had never limited its decisions to inland waters or to the Great Lakes—never.

Mr. HUMPHREY. The Senator from Texas was a member of the Association of Attorneys General, was he not?

Mr. DANIEL. The Senator is correct.

Mr. HUMPHREY. Does the Senator recall that the Association of Attorneys General in its effort to muster support for the position now held by the Senator from Texas indicated to the respective States through their governors, attorneys general, and other officials, that the Federal Government might attempt to take control of and claim property under the Great Lakes?

Mr. DANIEL. I imagine the Senator's statement is correct, because officials from 47 States came to Congress and testified before its committees that they thought the proposed legislation was needed in order that State ownership of their submerged lands could be protected.

Mr. HUMPHREY. Yet is it not the basis of the Senator's argument this afternoon, in an effort to claim what he considers to be equity for the coastal States, that Congress should legislate to give to coastal States what the Senator says the Supreme Court has already definitely stated belongs to inland States in the Great Lakes area? Is not that what the Senator is saying?

Mr. DANIEL. No; I have stated my position. If the Senator had been here since I began my argument, I believe he would have understood it fully. My position is that for more than 150 years all the States have been held by the Supreme Court to own all the lands beneath navigable waters, whether inland or seaward. All the States have been acting in good faith. Then the Court came along and said to the 21 coastal States, "You do not own your land any more. The Federal Government can take it away."

The question now before Congress is, Shall we ask Federal officials to see how far that doctrine applies? Shall we ask the Federal Government to sue the Great Lakes States and perhaps take their lands; or sue the inland States and take their rivers and other waters? Or shall Congress, in the public interest and in all fairness to those who claim such lands in good faith, allow all States to continue to own what was believed by all the courts to have been owned by the States for more than 150 years? That is the question before Congress.

I simply say that the fair thing for Congress to do is to treat all States alike with respect to lands beneath navigable waters within their boundaries, because it would be most unfair to allow, for instance, the Great Lakes States to continue to hold 38 million acres of land under the same rule of law that coastal States have been holding their 17 million acres of land, and then take away the 17 million acres owned by the 21 coastal States. They should be treated alike.

Mr. HUMPHREY and Mr. PASTORE addressed the Chair.

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from Texas yield; and if so, to whom?

Mr. DANIEL. I yield first to the Senator from Minnesota.

Mr. HUMPHREY. The Senator from Texas is delivering a splendid address to the Senate. I regret that I was not in the Chamber to hear all of the Senator's remarks, but I may say that much of the argument has been reviewed, and I think I am familiar with the general phases of it.

I have asked the Senator one or two very simple questions. I asked, first, Is it the argument of the Senator from Texas that, insofar as the Great Lakes and the States bordering on the Great Lakes are concerned, the Supreme Court has held, up until this day, April 8, 1953, that the resources and land beneath the waters of the Great Lakes are the property of the States? That is a simple question and can be answered yes or no, if I may make that suggestion to the Senator.

Mr. DANIEL. I will answer the question but I shall explain my answer. The answer is "Yes." The Supreme Court in early decisions has held that the Great Lakes States own the lands beneath the Great Lakes within their boundaries; but under the same rule of law, the Court said, by which the coastal States own lands within their seaward boundaries. More recently these decisions have been overruled. Therefore, I say to the distinguished Senator from Minnesota that since his State holds under the same rule of law by which we held our land, your claim today is no stronger than ours. The Supreme Court has destroyed the rule under which title to land beneath the Great Lakes was given to the Great Lakes States. The Senator's State is in the same boat with Texas and Louisiana, but he does not seem to know it yet.

Mr. HUMPHREY. I thank the Senator from Texas for his incisive remark. I think he is trying to play both sides of the street. He says, on the one hand, that the States bordering the Great Lakes have ownership. On the other hand, in order to win support for his claim of ownership, he says that the Great Lakes States may not have ownership. I am beginning to think there is a third hand being shown. The Senator says that the Great Lakes States hold title to the land beneath the Great Lakes based on the same rule of law that applies to land beneath tidewaters and inland bays.

Mr. DANIEL. This is becoming a pretty long question.

Mr. HUMPHREY. The latter part of it is very simple. Does the rule of law which applies to the coastal States, so far as that rule of law refers back to the Great Lakes decisions, apply to the tidewaters, the inlets, and the bays, rather than what are known as the open and marginal seas?

Mr. DANIEL. No.

Mr. HUMPHREY. Will the Senator read the decision of the Court again?

Mr. DANIEL. The Senator from Texas will be glad to read the decision again. The question has been asked, In writing the decision did the Court mean all tidewaters, or did the Court mean only land under inland waters?

Mr. HUMPHREY. We are talking about the land under the tidewaters. What does the word "tidewaters" mean? The word "tidewaters" refers to the ebb and flow of the tide, between low and high tide.

Mr. DANIEL. Technically, tidelands are only the beaches, from low tide to high tide.

Mr. HUMPHREY. That is correct.

Mr. DANIEL. I ask the Senator from Minnesota if he is asking me about the meaning of that word. Is the Senator asking me what the Court means by the term "tidewaters"?

Mr. HUMPHREY. I am asking the Senator this question——

Mr. DANIEL. That is an easy "yes" or "no" question. Is the Senator asking me——

Mr. HUMPHREY. I am asking the Senator what he means by tidelands?

Mr. DANIEL. I have already answered the question as to what is meant by tidelands.

Mr. HUMPHREY. I accept that answer.

Mr. DANIEL. The Senator from Minnesota now asks me about the meaning of "tidewaters." Is that correct?

Mr. HUMPHREY. I asked the Senator about the rule of law to which he referred, which he said conditioned the decisions in the Great Lakes cases. Every time I ask the Senator about the Great Lakes decisions, he says they are based upon a rule of law by the Court. Then he goes back——

Mr. DANIEL. The rule applies to tidewaters on the borders of the seas.

Mr. HUMPHREY. I want the Senator to quote the language of the Court again.

Mr. DANIEL. I will quote the language of the Court again. Then I shall quote the language of the Supreme Court as to what it meant by tidewaters on the borders of the sea.

Mr. HUMPHREY. I shall await the answer.

Mr. DANIEL. This is what the Supreme Court said in the Illinois Central case about the ownership of the Great Lakes States in their lands. After calling the Great Lakes open seas and saying that they had the same characteristics as the Atlantic and the Pacific, the Court said:

> We hold, therefore, that the same doctrine as to the dominion and sovereignty over and ownership of lands under the

navigable waters of the Great Lakes applies, which obtains at the common law as to dominion and sovereignty over and ownership of lands under tidewaters on the borders of the sea—

Not inland tidewaters, but "tidewaters on the borders of the sea"—

and that the lands are held by the same right in the one case as in the other.

Is it not a simple statement that the same rule of law applies to the marginal seas of the coastal States as applies to the Great Lakes?

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. LONG. Mr. President, will the Senator yield?

Mr. DANIEL. I should like to complete my discussion of the tidewater question. I thought the Senator from Minnesota wanted to know what "tidewaters" meant.

Mr. HUMPHREY. That is correct.

Mr. DANIEL. I read now from the Supreme Court decision in the case of Manchester against Massachusetts. It will be seen that the waters within the 3-mile belt, or whatever belt is used, are tidewaters. As a matter of fact, a distinguished author—an American, I believe—named "Angell" wrote a book in 1826 called Tide Waters. I got that book out the other day because I had heard that the Senator from Minnesota wanted to know what was meant by "tidewaters." The entire book relates to lands below low tide, in the marginal belt. Angell himself says that the only complete work previous to his book on this subject was Lord Hale's De Jure Maris, or The Law of the Sea.

The Supreme Court said, with relation to the Great Lakes, that tidewaters are waters which are moved by the tide, or affected by the tide. They cover all the salt waters along the borders of the sea within the marginal belt. The Supreme Court said in Manchester against Massachusetts, on that very point, referring to the tidewaters in the 3-mile belt:

We think it must be regarded as established that, as between nations, the minimum limit of territorial jurisdiction of a nation over tidewaters is a marine league from its coast.

I do not know how any clearer answer could be given by the Supreme Court of the United States as to what is meant by "tidewaters on the borders of the sea" than this one, which defines the territorial jurisdiction of a nation over tidewaters as a marine league from its coast, or 3 miles.

The same case holds that Massachusetts, since the Revolution, has the same rights as the King had before the Revolution, to the lands, the fish, and the waters within the area underneath those tidewaters on the borders of the sea within the 1-league belt, or 3-mile belt of Massachusetts.

I will say to the distinguished Senator from Minnesota that his State has no better title to the lands under the 1,400,000 acres of Great Lakes within the boundaries of his State than the 21 coastal States have to their marginal belts on the borders of the sea, because the title of his State rests on the same theory of law, and on decisions which the Supreme Court has now overruled. If it is fair for the Great Lakes States to continue to hold their lands, it is only fair for the coastal States to continue to hold the same type of property.

Mr. HUMPHREY. Mr. President, will the Senator yield for a final question?

Mr. LONG. Mr. President——

Mr. DANIEL. I yield to the Senator from Louisiana.

Mr. LONG. The Senator has made the statement that the courts have held that the Great Lakes belong to the States. However, I do not believe he will find that the Supreme Court has ever held that Lake Superior belongs to the State of Minnesota, for example. I believe he will find that he must rely upon a case involving Lake Michigan, which does not involve an international boundary.

Mr. HUMPHREY. Does not involve what?

Mr. LONG. The case related to Lake Michigan, which, so far as I know, has no international boundary in it. Lake Superior has an international boundary in it, and in that respect is much more susceptible to the threat of the Federal Government seizing it. The opportunity to make a distinction between the Great Lakes and the other inland waters has been pointed out by Mr. Philip Perlman based upon the fact that an international boundary runs through all the Great Lakes except Lake Michigan.

If the Senator is relying upon reasoning by analogy that because Illinois owns the bed of Lake Michigan the State of Minnesota would own the bed of Lake Superior, I point out to him that the Court said in Martin against Waddell that the States own all the waters within their boundaries, and therefore the State of New Jersey owned the bed of Raritan Bay. Later, when the Court had an opportunity to say, "We have just decided a case involving Raritan Bay, in which we said the States owned the lands beneath all their waters," it said in effect, "Oh, no. We have a case involving waters outside the bay, and we prefer to lay down a different rule to apply to waters outside inland waters within State boundaries."

So the Court laid down a different rule.

If the Senator wishes to rely upon the 52 Supreme Court decisions, I believe he will find that there is different thinking on the Court today, in many respects, than there was when those 52 decisions were handed down. Because there is different thinking, the Court is being asked to reverse some of its previous decisions.

There was a long line of cases involving the so-called separate-but-equal doctrine, holding that a State could provide one school building for white children and another for children of another race. That doctrine was laid down time after time. Some people disagreed with it, and the Court is now being asked to overrule a long line of decisions. I am curious to know whether the Senator from Minnesota would like to have the Court overrule that long line of decisions.

Mr. DANIEL. I think I can answer that question for the Senator from Minnesota, but I should like to get along with my presentation.

Mr. HUMPHREY. Mr. President, will the Senator yield for a final question?

Mr. DANIEL. I yield to the Senator from Minnesota for a question.

Mr. HUMPHREY. Since we are discussing the Court, I remind my able, distinguished, and beloved friend from Louisiana [Mr. LONG], that in the case of Massachusetts against New York, which involved Lake Ontario, which has an international boundary, the Court ruled that the Illinois Central case rule applied to that case. In the Illinois Central case the Court also talked about these lakes. It did not talk merely about Lake Michigan.

I now get down to the final question. In cases between the States and the Federal Government, the Constitution, I believe, provides that the Supreme Court may be the court of original jurisdiction. In other words, such a case may go directly to the Supreme Court. There was a real purpose in that provision, as I understand from the proceedings of the Constitutional Convention. It was a way to protect what we call the Federal system, and the respective rights of the States and the Federal Government.

Is it not true that the court decisions in the cases involving inland waters, in cases involving the Great Lakes, which are considered a part of the inland waters, and the court decisions involving the coastal States with respect to the submerged lands in the open seas, have all been handed down by the Supreme Court, and that the rule of law in each case has been applied back to other cases which the Supreme Court has decided, and that in each and everyone of those decisions the Court has held that where the open seas are involved on the coasts of the United States, the submerged lands belong to the Federal Government, and that in the inland waters, bays, inlets, and Great Lakes, the submerged lands belong to the States? Is not that the rule of the Court, as of 1953?

Mr. DANIEL. That may be the rule of the Court as of 1953——

Mr. HUMPHREY. But——

Mr. DANIEL. Just a moment. The Senator, in his remarks, has made reference to all the court decisions of the past relating to lands beneath navigable waters. What the Senator has stated is not true as to all the decisions of the past. For over a hundred years, in 52 separate decisions, the Supreme Court of the United States wrote the rule as to State ownership of lands beneath navigable waters broad enough to cover all navigable waters, both inland and seaward. Not one case can the Senator find in which the Supreme Court limited the rule to inland waters. The present Supreme Court, in the California decision, conceded that. I am sure the Senator from Minnesota is familiar with Justice Black's statement.

Mr. HUMPHREY. Yes; I am familiar with that.

Mr. DANIEL. He said that many times the Court had stated the rule broad enough to indicate that it believed that the States own all lands beneath the navigable waters within their boundaries, whether inland or seaward. If the rule was stated well enough to make the former courts believe the States owned the lands both inland and seaward, it

certainly must have been stated well enough to make the States believe they were in good faith in claiming the property.

Mr. President, to show exactly how specific the courts have been in stating this rule in the past, and what outstanding justices have stated the rule, I wish to quote from at least one decision. I know the Senator from Minnesota has a high regard for Justice Oliver Wendell Holmes.

Mr. HUMPHREY. Indeed I have.

Mr. DANIEL. Let me read a sentence from an opinion concurred in by Justice Holmes while he was on the Supreme Court of Massachusetts, in which he follows a former decision of the Massachusetts court relating to lands within the marginal belt 1 mile from shore. This was in *Massachusetts* v. *Manchester* (152 Mass. 230 (1890)), opinion by Justice Field, concurred in by Justice Holmes, as follows:

> There is no belt of land under the sea adjacent to the coast which is property of the United States and not property of the States.

It would seem to me that is pretty plain English; and how anyone can stand on the Senate floor and say that the Supreme Court Justices have not written the law broad enough to cover the marginal belt of the coastal States, when they themselves in their own States claim their submerged lands under that same rule of law, is beyond me.

Mr. President, I am glad to say that the Legislature of Minnesota in past years, and the Governor in past years——

Mr. HUMPHREY. In past years; yes.

Mr. DANIEL. And the attorney general of Minnesota this year, have informed our committee that they think that the legislation now proposed is essential to enable the State of Minnesota to continue to enjoy ownership of its 1,400,000 acres of land beneath the Great Lakes.

Mr. HUMPHREY. Will the Senator yield so that we may correct the RECORD?

Mr. DANIEL. I am glad that someone from Minnesota agrees, and sees the danger that is impending, as does the Governor and attorney general and senior Senator from Minnesota [Mr. THYE], and as officials from all the States except one happen to see it.

Mr. HUMPHREY. Mr. President, the Legislature of the State of Minnesota never discussed this issue until this year. This year the House of Representatives of the Legislature of the State of Minnesota had an open debate on the very subject matter we are now discussing, and by a vote of 2 to 1 the House of Representatives of the Legislature of the State of Minnesota asked that the submerged lands be maintained under Federal ownership and control, the Governor notwithstanding. He, by the way, has not dared make a public statement on this issue in the State of Minnesota, in spite of all the talk about the Great Lakes and the confusion which it has been attempted to bring into the debate.

Mr. DANIEL. Mr. President, may I have unanimous consent to reverse the usual order and ask the Senator from Minnesota a question without losing the floor?

Mr. HUMPHREY. I shall be glad to have the Senator do so.

The PRESIDING OFFICER. Without objection, the Senator from Texas may ask the question.

Mr. DANIEL. The senate of the State Legislature of Minnesota has not acted on the matter, has it?

Mr. HUMPHREY. The house of representatives, the people's body, where the people are well represented, has acted.

Mr. DANIEL. Will the Senator answer my question? Has the State senate acted on the resolution?

Mr. HUMPHREY. The senate has not.

Mr. DANIEL. In the resolution passed by the House of the Legislature of Minnesota, in which they said they wanted the Federal Government to hold on to the submerged lands of the coastal States, to be divided up among all the people, did they offer to put in the 1,400,000 acres of submerged lands of Minnesota in the common pot to be shared by all the people?

Mr. HUMPHREY. The Legislature of the State of Minnesota merely asked that the Congress of the United States abide by the decisions of the Supreme Court, and when they asked that, they took into consideration the decisions concerning the Great Lakes which my dear friend from Texas has explained with greater eloquence than any court could employ. They also asked that the decision with respect to the submerged lands along the coasts of Alabama, Louisiana, and Texas be sustained. In other words, the legislature believes the Court to be an honorable institution, that it is not engaged in forensics or debate, but in decision rendering on the basis of facts. I applaud the house of representatives of the legislature of my State for their judicious action.

Mr. DANIEL. Mr. President, if the Senator from Minnesota is correct in his statement, it would seem that the house of representatives in Minnesota approved the 3 most recent decisions, which do not happen to be against his State, and disapproved the 52 previous opinions, under which we hold our lands in the coastal States, and under which Minnesota now holds its submerged land. If the same thing happens to the Senator's State that has happened to Texas, there will not be any land under the Great Lakes left under the control of his State, but the Federal Government will own all the submerged lands.

Mr. LONG. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield to the Senator from Louisiana.

Mr. LONG. Does the Senator from Texas know whether or not the resolution passed by the House of the Legislature of Minnesota urged that the Congress pass the Anderson bill?

Mr. HUMPHREY. I shall be glad to give the information to the Senator.

Mr. DANIEL. Mr. President, I must hasten on.

Mr. HUMPHREY. I know the Senator from Texas wants a full discussion. By the way, his discussion is a brilliant contribution to the debate.

Mr. DANIEL. I thank the Senator.

Mr. HUMPHREY. The Senator from Texas has almost persuaded me, considering the evidence with which he has had to work. His argument has been remarkable; and I say that in all seriousness.

Mr. DANIEL. I thank the Senator; and now I am ready for the next blow. [Laughter.]

Mr. HUMPHREY. We are indeed debating with the experts. The Senator from Texas knows his facts and knows them well, and I shall yield to him when I have the floor, but I shall not be so technical as he is, as I shall discuss the matter from a layman's standpoint.

The house of representatives of the legislature of my State did take into consideration the decisions pertaining to our Great Lakes, also the argument that the lands might come under Federal jurisdiction. After due consideration they arrived at the resolution which they passed, and I shall present it to the Senator so that he can study it and make his comments.

Mr. DANIEL. I thank the Senator.

Mr. HUMPHREY. I am grateful to the Senator from Texas.

Mr. DANIEL. Mr. President, I wish to conclude as soon as possible. I have two or three short arguments I should like to complete this afternoon, and leave the floor, in not more than an hour, so that another speech may follow on the same subject. I understand a Senator on the opposition is to speak this afternoon, so I should like to hasten my remarks.

Mr. President, I am sure the exchange between the Senator from Minnesota and the junior Senator from Texas sums up as well as anything could the points I have been trying to make in the Senate this afternoon. Briefly summarized, they are as follows:

All our States, all 48, have natural resources, valuable lands, under navigable waters. The States have all held them for over 100 years, under the same rule of law, and the only fair thing to do for the future is to leave the law as it has been, and not give the Great Lakes States their valuable lands and take away our smaller area of land beneath the marginal sea. Since we have held the lands under the same rule, it would be discrimination if a different rule were applied to the coastal States without even testing the claims of the Federal Government as to the Great Lakes States.

Especially is that true when we see what the Governor of Minnesota wrote to our committee as to the need of legislation such as that now proposed, and as to the valuable land under the Great Lakes within the State of Minnesota. He said that under those lands were copper, nickel, cobalt, gold, and other precious minerals.

I believe the Senator from Minnesota was not in the Chamber when I made the statement earlier this afternoon that the Governor of Minnesota said to the committee:

> To date about $2 million has been collected by the State in royalties covering iron ore removed from submerged lands.

I stated that that was more royalty than we in Texas have received on oil

from the submerged lands within our boundaries.

Mr. HUMPHREY. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield.

Mr. HUMPHREY. What governor was that?

Mr. DANIEL. The Governor of Minnesota.

Mr. HUMPHREY. What lakes was he talking about, in saying that $2 million in royalties had been received from the lands under them? I live in Minnesota, and I never heard of any of the Great Lakes that has beneath it any iron ore from which we ever received any royalties.

Mr. DANIEL. I am quoting from the report of the Governor of Minnesota, as given to the Senate Committee on Interior and Insular Affairs. In the report he says:

> Please note that to date about $2 million has been collected by the State in royalties covering iron ore removed from submerged lands.

Mr. HUMPHREY. If he means from under Pike Lake, up in the woods—a lake across which a person can almost reach—I agree. But certainly he was not talking about Lake Superior.

Mr. DANIEL. Mr. President, I yield only for a question, not for an argument. If the Senator from Minnesota wishes to discuss this matter further, he can do so later on his own time.

GOOD FAITH OF COASTAL STATES

The coastal States have been in complete good faith in their possession and ownership of the seabed within their historic boundaries for more than 100 years.

This was admitted by the Supreme Court in the California case. It said the previous courts "many times" had indicated that they "believed that the States owned soils under navigable waters within their territorial jurisdiction, whether inland or not."

That the coastal States have possessed and developed these submerged lands in good faith was also admitted at the recent committee hearings by former Solicitor General Perlman. The question and answer—page 694—speak for themselves:

> Senator DANIEL. I would like to ask the Solicitor General if he does not agree that, prior to the [Federal] assertions made in 1937 for the first time, the States were in good faith, those of us who did claim to own these lands?
>
> Mr. PERLMAN. Yes, Senator, I do. I have to do that because I recall that prior to that time the Secretary of the Interior himself said that he thought the States had title.

This record of our hearings on Senate Joint Resolution 13 is full of instances in which Federal officials acknowledged State titles to their marginal sea lands over a period of 100 years. Many of them were instances in which the Federal Government purchased or obtained grants from the States to lands below low tide for lighthouses, jetties, and other improvements.

The Senator from Florida [Mr. HOLLAND] has already mentioned a long list of such particular instances in which the Federal Government purchased, if you please, submerged lands beyond the low-tide mark—purchased them from the States for use for Federal purposes.

NOT A GIFT

Under such circumstances, Mr. President, restoration of these lands to the States will not be a gift. One does not give away something he never had. Until recently the Federal Government never thought it owned these lands, and even until now it has never possessed or used them. The lands are still in the possession of the States, awaiting action by Congress on the final question of future ownership. The passage of the pending proposed legislation will simply permit the States to keep what they have always had since the foundation of the Union. It will be an act of justice and equity—the same type of equity that would be applied by a court if one family had possessed a tract of land in good faith for over 100 years and another tried to take it away on some newly discovered theory of law.

The Supreme Court said it could not apply such rules of equity when the the United States is involved.

Of course, Mr. President, in land suits between individuals, the lower courts do apply such rules of equity. If for 100 years no claim to a certain piece of land has been made by a family, the courts do not permit a member of that family thereafter, by instituting suit, to obtain the land, thus taking it away from a family that had claimed it and developed it in good faith for 100 years or more. The Supreme Court said it could not apply that rule of equity as against the United States, but the Court clearly said that Congress has the power to do so. That is precisely what this proposed legislation would do. It would apply the moral equity that the Court felt itself without authority to apply. It would write the law for the the future as all Supreme Courts and Federal and State officials believed it to be in the past.

This proposed legislation would treat all the States alike, both inland and seaward, by continuing in effect one rule of State ownership, applicable to all lands beneath navigable waters within State boundaries.

TEXAS' SPECIAL TITLE

Mr. President, at this time I should like to refer to my last point, namely, the special title under which Texas claims its submerged lands, and under which it has owned and developed them since Texas entered the Union, and even before then, when Texas was an independent nation. Texas has a special claim under its annexation agreement with the United States, and that claim should be confirmed by this legislation.

In addition to the previously long-recognized rule applicable to all the States, Texas has a special claim to the submerged lands within its historic 3-league-seaward boundary, and that claim should be recognized and defended by this Congress and by every Federal official who has the slightest regard for a solemn agreement between two independent nations.

Texas was a republic for nearly 10 years before it became a State. The First Congress of the Texas Republic on December 19, 1836, fixed the boundaries of the new nation. The boundary in the Gulf of Mexico was set at 3 leagues from shore, in the following words:

> Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande. (Laws of the Republic of Texas (1836), I, 133.)

Then the inland boundaries were stated.

Title to the land and minerals within these boundaries was won from Mexico by conquest, a conquest which was forced upon the Texans in order to protect their lives and liberties from the dictatorship and oppression of the Mexican President, General Santa Ana. As said by President Andrew Jackson:

> The title of Texas to the territory she claims is identified with her independence.

TEXAS BOUNDARY RECOGNIZED

The records indicate that copies of the Texas Boundary Act were sent to the major nations of the world before they recognized Texas as an independent republic. At least we are sure from the congressional records that Senator Walker, of Mississippi, placed the United States Senate on notice of the boundaries both before adoption of the resolution recognizing Texas' independence and before adoption of the resolution of annexation—CONGRESSIONAL GLOBE, 1st session, 28th Congress, Appendix, pages 548, 550.

Mr. President, I can refer to numerous instances in which the United States Government has recognized the Texas 3-league boundary.

In the first place, after Texas entered the Union, the United States Government, following the Mexican War, entered into a treaty. The entrance of Texas into the Union caused the war with Mexico. The United States won that war, and thereafter, in 1848, the Treaty of Guadalupe Hidalgo was entered into. The 3-league gulfward boundary of Texas was recognized by the United States and Mexico in the Treaty of Guadalupe Hidalgo, July 4, 1848, which significantly provides:

> The boundary line between the two Republics shall commence in the Gulf of Mexico, 3 leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte (9 Stat. 922).

Of course, that war was fought because of the dispute over the boundary, namely, whether, in connection with the boundary, the line claimed by Texas should be followed or the line claimed by Mexico. I believe I can summarize this boundary argument, and not go into it in detail unless questions are asked by my colleagues, by referring the Members of the Senate to the Treaty of Guadalupe Hidalgo, which specifically followed the Texas 3-league boundary.

Later by the Gadsden Treaty, signed in 1853, such limits of the State were further confirmed—Tenth United States Statutes at Large, page 1031—and still later in 1911 they were actually surveyed by the International Boundary Commission. A map published by the State Department showing this boundary in the gulf is printed opposite page 411 of the transcript of the committee hearings now on Senators' desks.

For instance, Mr. President, in 1911, according to State Department records, the International Boundary Commission ran the 3-league boundary between Texas and Mexico out into the Gulf of Mexico. If Senators who wish to do so will examine the map shown opposite page 411 in the committee hearings, they will find folded there in the hearings a map which was printed in two sections by the State Department. The map has been reduced in size, but there Senators will see the boundary in the Rio Grande between the United States and Mexico, and then out into the Gulf of Mexico. On sheet No. 30, the Senators will see a red line going out into the Gulf of Mexico 1 marine league, as marked about the middle of sheet No. 30. At that point on the sheet Senators will see the following words:

International boundary begins 3 leagues from land—

Not 3 miles, but 3 leagues—

and opposite the mouth of the Rio Grande.

And to the right of that line Senators will see that the 3-league point is stated to be a certain number of meters beyond the edge of this sheet. The depth of water there is shown to be 27.3 meters. I think there can be no doubt that the boundary of Texas has been recognized as being three leagues from shore ever since Texas entered the Union; and the boundary of Texas will remain there under the pending measure. Similarly, I think there is no question that title to the lands out to that 3-league boundary should be confirmed to Texas, because the 3-league boundary was the one which existed at the time when Texas entered the Union.

Mr. HILL. Mr. President, will the Senator from Texas yield for a question?

Mr. DANIEL. I yield.

Mr. HILL. Is it not a fact that in 1838 there was negotiated between the Republic of the United States of America and the Republic of Texas a convention under which a boundary commission was created to fix the boundary between the United States and Texas, and that that boundary did not extend seaward 3 leagues?

Mr. DANIEL. No; that is not correct. The Senator from Alabama is partially correct. Let me explain what happened in 1838. I am now reading from Treaties and Other International Acts of the United States of America, published by the State Department, volume 4, page 85. The Senator will find there a complete history of the boundary agreement between the United States and Texas, in 1838, and of the manner of running of the boundary. The Senator will find printed on page 136 of these proceedings, issued by the State Department, the complete boundary of Texas, set forth exactly as the boundary was submitted to those who were to run it in 1838, and it goes 3 leagues out into the gulf. They did not want to actually mark the entire boundary between Texas and the United States. That was not at all the purpose. The purpose was to run only that portion of the boundary from the mouth of the Sabine River up to a certain latitude. If there is any doubt about that, I will read from page 141 of the State Department proceedings relative to that particular boundary, wherein it is stated:

And it is to be particularly observed, moreover, that this convention provided for the immediate demarcation of only a portion of the boundary between the United States and the Republic of Texas, namely, that which extends from the mouth of the Sabine, where that river enters the Gulf of Mexico, to the Red River, a distance of less than 300 miles

Only a small segment of the boundary was run. They did not run that part of the boundary which extends south out into the gulf 3 leagues; they did not run that part of the boundary which extends north above the Red River. They ran only a segment of 300 miles, which did not involve our seaward boundary at all.

Mr. HILL. That is the proposition, exactly. The Sabine River goes into the gulf, does it not?

Mr. DANIEL. That is correct.

Mr. HILL. The boundary starts at the mouth of the Sabine River. They were running that boundary for approximately 300 miles; but they made no claim at all regarding 3 leagues out into the gulf. I may say to my good friend from Texas that I have a map here, and I shall be glad to let him examine it.

Mr. DANIEL. I cannot let the Senator's statement remain unchallenged in the RECORD that Texas made no claim whatever about the 3 leagues into the gulf. I must read into the RECORD at this point the boundaries which were claimed by the Republic of Texas in 1838, in the official instructions submitted by the Government of Texas through its secretary of state. I shall quote from a State Department book, volume 4, of Miller's Treaties, page 136. Here is a description of the boundaries which were being considered:

The present boundaries of Texas as fixed by an act of Congress are as follows, viz, Beginning at the mouth of the Sabine River and running west along the Gulf of Mexico 3 leagues from land to the mouth of the Rio Grande——

Mr. HILL. Mr. President, will the Senator yield?

Mr. DANIEL. I will yield in a moment. Let me finish this. This is taken from Miller's own writing. He goes on to say:

That description of the boundaries of Texas was taken almost literally from the Texan Act of December 19, 1836, to define the boundaries of the Republic of Texas, which contained the following provisions (Laws of the Republic of Texas, I, 133–134):

"That from and after passage of this act the civil and political jurisdiction of this Republic be, and is hereby declared to extend to the following boundaries, to wit: beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande."

Mr. President, so that the record may be clear, let me say that I am reading from the 1838 Boundary Convention Proceedings, reported by the State Department, about which the Senator from Alabama is inquiring, and, though I cannot read all of the proceedings, all that any Senator needs is to read the proceedings, and he will see that only a segment of the boundary between Texas and the United States was intended to be run at the time. Only one segment of it was in dispute. The boundary out in the gulf and north of Red River was not in dispute. Here is the State Department record saying that that was all, and that only a portion of the boundary between the United States and the Republic of Texas was to be run by the commissioners "that which extends from the mouth of the Sabine, where that river enters the Gulf of Mexico, to the Red River."

Mr. HILL rose.

Mr. DANIEL. Does the Senator have another question?

Mr. HILL. Is it the contention of the Senator that this boundary was only to be a part of the boundary between Texas and the United States?

Mr. DANIEL. That is exactly what the State Department's records show, and that is all they ran. They did not run the boundary between Texas and the United States out in the gulf, or north of the Red River. There marked only 300 miles of a boundary that extends at least twice that far between the United States and the then Republic of Texas.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DANIEL. I yield for another question.

Mr. HILL. The Senator has been speaking of the boundary extending out 10½ miles into the gulf.

Mr. DANIEL. Three leagues; that is 9 marine miles, or 10½ statute or road miles.

Mr. HILL. Is it not true, however, that for several years the Legislature of the State of Texas sought to extend its boundary seaward approximately 140 miles?

Mr. DANIEL. Several years ago the Legislature of Texas sought to extend its boundary to the edge of the Continental Shelf. I believe no limits were mentioned at that time.

Mr. HILL. That would be roughly a distance of 140 or 150 miles, would it not?

Mr. DANIEL. In the very farthest and most extreme places, it might run that far. But let me say to the Senator from Alabama I hope the Senator does not mean to imply that the pending joint resolution covers any land beyond the 3-league boundary, so far as Texas is concerned. It certainly does not.

Mr. HILL. I appreciate that fact.

Mr. DANIEL. This measure is limited to lands within the boundaries of the State of Texas as they existed at the time Texas entered the Union, which, very clearly, from the records of the United States State Department itself, was 3 leagues from shore.

Mr. HILL. Do I correctly understand that the Senator from Texas has no wish and no desire in any way to make any claim on behalf of Texas beyond the 3 leagues?

Mr. DANIEL. Not in the pending joint resolution.

Mr. HILL. Not in the pending measure; I appreciate that. But I did not limit it to the pending measure. I asked whether he has any desire or any intent or any wish at all to make any claim, in any way, shape, fashion, or form, beyond 3 leagues.

Mr. DANIEL. I might have the desire, yes, to make the claim, just as I fear the Senator from Alabama might have a desire to make a claim to some of our Texas land. I might have a desire to claim more, but I do not, by this joint resolution, claim more than that which lies within the three-league boundary. I have no intention of claiming ownership for the States of anything beyond their historic boundaries. I may say, however, that I think it would be only fair to the coastal States to give them a percentage of the revenues derived from the federally owned lands beyond our historic boundaries, because every State in the Union that has federally owned lands within its boundaries receives 37½ percent of the revenues from the lands. But that is outside the scope of the pending joint resolution.

Mr. HILL. Does the Senator claim that the area beyond the three leagues is within the boundary of Texas?

Mr. DANIEL. No; that is not within the original boundary of the State of Texas. I say it undoubtedly should be brought within the boundaries of the adjacent State for certain police purposes; otherwise, there would be an area without any local law. A crime might be committed, and there would be no way to punish the criminal. I doubt whether even the Senator from Alabama would want the Continental Shelf outside the original boundaries of the State of Alabama to become a no man's land, consisting of nothing but some federally owned submerged land, without any State or local law applicable to it. That is all I am asking for the State of Texas.

I shall not yield further, Mr. President, for any question on lands beyond historic boundaries, because such lands were eliminated from the resolution specifically for the purpose of confining it to lands within historic boundaries. The resolution confirms the jurisdiction and control of the United States Government over the resources outside the historic boundaries of the coastal States. So I do not care to yield for questions on anything except points relating to my discussion of the pending resolution.

Mr. HILL. The Senator from Texas does not want to make for Texas claim to any submerged land beyond three leagues as of now, as I understand.

Mr. DANIEL. I do not care to go beyond the three leagues as of any time so far as State ownership of the property is concerned.

Mr. HILL. The Senator spoke about 37½ percent beyond the three leagues, and, as I recall——

Mr. DANIEL. The Senator from Alabama asked me if I would never want to go out any farther. I said the only thing I would ever ask beyond our original boundaries would be the same percentage of revenues which other States receive from federally owned lands. I am not sure I am going to ask for that in this session of Congress.

I do not care to yield further on that point, because there is something within the historic boundaries which is more important. I want to impress upon the Members of the Senate the fact that the Texas seaward boundary has been recognized by the Federal Government time and again.

Let me refer to a book entitled "Geological Survey Bulletin No. 817," published in 1929 as House Document No. 131 by the 71st Congress, 1st session. On page 36 of the book, which gives the boundaries of all the States and the amount of land brought into the United States by them it is stated:

> The area which Texas brought into the Union was limited as follows, as defined by the Republic of Texas, December 19, 1836:
>
> "Beginning at the mouth of the Sabine River and running west along the Gulf of Mexico 3 leagues from land to the mouth of the Rio Grande."

Every time we find that the Federal Government recognized that the boundary of Texas goes 3 leagues out from shore.

THE ANNEXATION AGREEMENT

The people of Texas were anxious for annexation to the United States but their first overture was rejected in 1837 and thereafter withdrawn. The next offer to the United States was in 1844. A treaty was signed between the two nations under which Texas would cede "all its territories," including "vacant lands, mines, minerals," and so forth, and the United States was to assume all debts of the Republic—approximately $10 million—Senate Document No. 341, 28th Congress, 1st session, 1844. This treaty was defeated in the United States Senate. A major objection was the assumption of Texas' debt in exchange for what was regarded by some Senators as worthless land, consisting of "marshes, tadpoles, and terrapins."

Because the United States wanted Texas to keep its "worthless" land, and pay its own debts, the Congress adopted a joint resolution offering annexation on those terms. It is most important to note that originally under the second section of the joint resolution Texas was to cede all its mines and minerals to the United States. However, on motion in the House of Representatives this was stricken—Appendix to CONGRESSIONAL GLOBE, 28th Congress, 2d session, page 389. Texas was allowed to keep her minerals and the resolution of March 1, 1845, provided:

> . . . said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy yards, docks, magazines, and armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing to the said Republic, *and shall also retain all the vacant and unappropriated lands lying within its limits*, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. . . . (9 Stat. 797, CONGRESSIONAL GLOBE, 29th Cong., 2d sess. (1845), 362, 272.)

In accordance with the resolution and the consent given thereto by the Texas Congress on June 23, 1845, and by the people in convention assembled on July 4, 1845, a new constitution was adopted and transmitted to the President of the United States.

Mr. President, as we are now considering the admission of a new State, we can think back about what went on in 1845, when Texas adopted its new constitution, and it was submitted to the United States Congress. The Texas constitution provided that all its laws then in force should remain in effect, and that of course included its Boundary Act.

The Texas constitution of 1845 provided, in section 20, article VII, the following:

> SEC. 20. The rights of property and of action which have been acquired under the constitution and laws of the Republic of Texas shall not be divested * * * but the same shall remain precisely in the situation which they were before the adoption of this constitution.

So, Mr. President, it was provided that all property rights should remain the same, that all laws, including the boundary laws, should remain the same, and there was a specific reservation of all vacant and unappropriated land within the boundaries of Texas.

The Texas constitution of 1845 was laid before the Congress of the United States on the first Monday in December 1845. A final joint resolution of Congress was passed, and approved by the President of the United States on December 29, 1845, admitting Texas as a State in accordance with the "proposals, conditions and guarantees" contained in the first and second sections of the joint resolution of March 1, 1845, above quoted.

Mr. DOUGLAS. Mr. President, will the Senator from Texas yield?

The PRESIDING OFFICER (Mr. KNOWLAND in the chair). Does the Senator from Texas yield to the Senator from Illinois?

Mr. DANIEL. I yield.

Mr. DOUGLAS. I think the Senator has said that Texas was annexed to and joined the United States of America not by the treaty of 1844, which, as he correctly says, was never ratified by the Senate, but by the joint resolution of 1845 for the admission of Texas. Is not that correct?

Mr. DANIEL. That is correct. Of course, the joint resolution constituted an international agreement which, I think the Senator from Illinois will concede, is just as solemn and should be respected and lived up to just as much as a treaty.

Mr. DOUGLAS. Is it not true that in the joint resolution of admission there was no mention of boundaries? It merely stated that Texas should enter the Union on an equal footing with the original States; did it not?

Mr. DANIEL. No; that is not correct. The Senator is picking out only one part of the final formal admission act. That was not a part of the agreement at all.

Mr. DOUGLAS. Was not the equal footing clause a part of the joint resolution of admission?

Mr. DANIEL. Not of the joint resolution submitted to Texas by which Texas was to enter the Union. The resolution about which the Senator from Illinois is talking was the final resolution, a mere formality after the agreement had been proposed by the joint resolution of March 1, 1945. After the constitution was approved, a resolution was adopted

approving it, and formally admitting the State on an equal footing. That was never submitted to Texas. It was never involved in the proceedings by which Texas agreed to come into the Union.

Certainly the Senator from Illinois does not believe that the inclusion of the words "equal footing" by the Congress alone, without even mentioning it to Texas, could alter the terms and guarantees by which Texas agreed to enter the Union?

Mr. DOUGLAS. May I ask the Senator from Texas whether the first joint resolution of Congress delineated the boundaries of Texas?

Mr. DANIEL. No; the first resolution of March 1, 1845, simply referred to all lands properly within the boundaries of Texas. The boundaries were not specifically delineated in the resolution, but they were read on the floor, just as in the case of the boundaries of Hawaii. I do not understand that Hawaii's boundaries are set forth in any bill providing for the admission of Hawaii into the Union, but Congress will certainly want to know what those boundaries are—at least, I certainly hope so—and the matter will be brought up in discussion on the floor. That was exactly what was done in connection with the resolution of March 1, 1845. The boundaries of Texas were read on the floor. As a matter of fact, earlier in 1844, President Tyler was asked to furnish a map. He furnished one, on which reference was made to the December 19, 1836, boundaries of the Republic of Texas. There is no question that Congress knew they were bringing Texas into the Union as Texas had described itself in the act of 1836.

Mr. DOUGLAS. Would the Senator from Texas permit the Senator from Illinois to read a section of the joint resolution of admission of December 29, 1845?

Mr. DANIEL. I will yield to the Senator from Illinois so that he may ask me any question he may have in mind, but not for the purpose of having him make an argument.

Mr. DOUGLAS. Is it not true that that joint resolution of December 29, 1845, provided as follows:

> That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

Mr. DANIEL. The Senator from Illinois realizes, does he not, that that joint resolution was not submitted to Texas, and forms no part of the agreement between the United States and Texas? That was a unilateral act of Congress, a mere formality approving what had been previously agreed to by the United States and Texas.

President Polk had said previous to that: All Texas will have to do will be to pass its resolution accepting the resolution of the United States Congress of March 1, 1845, and we will consider Texas a member of the Union in accordance with the terms and guarantees proposed in the March 1 resolution.

In the resolution to which the Senator from Illinois has referred, which was a mere formality, the Senator will note that Congress did not add a little catch phrase in order to take away any property from Texas or to go back on any of the terms and guarantees made in the original resolution. In the very first part of the resolution of December 29, 1845, to which the Senator has referred, Congress said:

> Whereas the Congress of the United States, by a joint resolution of March the 1st, 1845, did consent that the territory properly included within and rightly belonging to the Republic of Texas, might be erected into a new State—

The resolution continues—

> which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution: and whereas, the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution and erect a new State, with a republican form of government, and in the name of the people of Texas, and by their authority, did ordain and declare, that they assented to and accepted the proposals, conditions, and guarantees contained in the first and second sections of said resolution.

Then, the Senate and House of the United States Congress admitted Texas on an equal footing with the original States, but in accordance with the "guarantees" contained in the previous exchange of resolutions.

The Senator from Illinois has read from the equal footing clause and has ignored the "proposals, conditions, and guarantees" the United States made with Texas. If the Senator believes as does the Supreme Court, that the adding by Congress of some words in the formal act of admission could have taken away something which Congress agreed that Texas ought to keep, and was to keep, then the Senator certainly is saying that the Congress of the United States would commit an act that I do not believe should be attributed to any Congress of this Nation.

That would be similar to making a proposal to Australia to enter the Union, and agreeing that Australia shall keep all its unsold lands, including all submerged lands, within its 3-mile belt or 3-league belt. We might say to Australia, "Keep it all. It is all yours." Suppose Congress were to submit such a proposal to Australia, and Australia should accept it. Then, having accepted it, and having adopted a constitution, suppose Congress then passed a formal act of admission, in which Australia was admitted into the Union with the other States, but with an equal footing provision, which would have the effect of taking away her submerged lands, after we had specifically agreed that Australia should keep such lands.

That is the argument which is made by the Supreme Court of the United States, and the Senator is agreeing with it, if he wishes to give weight to the equal-footing clause, instead of giving weight to the guarantees made by the Congress of the United States that Texas was to keep all lands within its limits.

Mr. DOUGLAS. Will the Senator permit me to ask another question?

The PRESIDING OFFICER. The Chair has been lenient, but he wishes to say that the rules of the Senate require that Senators first address the Chair before asking a Senator to yield. It is entirely within the prerogative of the Senator having the floor to state whether he desires to yield for a question.

Does the Senator from Texas yield further to the Senator from Illinois?

Mr. DANIEL. I will yield for one more question.

Mr. DOUGLAS. Is the Senator from Texas aware of two comments by leading members of the Texas constitutional convention, which bear on this very point? The first was in a speech by Mr. Ochiltree, who is quoted in the Debates of the Convention, at page 47, as follows:

> The people have determined from one end of the land to the other to go into the American Union and to abide all the consequences of their choice. They ask no exclusive privileges; they would not willingly accept any privileges granted to them, and denied to every other member of the Confederacy. * * * I believe the people have determined to accomplish the great measure of annexation at every risk, regardless of consequences.

Is the Senator from Texas aware of that statement?

Mr. DANIEL. I have heard of that statement, but Mr. Ochiltree's views did not prevail at that convention. If the Senator will read the contract of agreement between the United States and Texas, he will see that Texas was given some rights which other States do not have, for instance, the right to divide into four additional States. The Senator from Illinois will realize that Mr. Ochiltree's contentions were not accepted at that convention.

I do not know if it should be said that Texas asked for more than the other States received. It was not the proposal of Texas. Texas did not propose to enter the United States under a deal by which it would keep all its lands or divide itself into four States. Texas originally proposed to come into the Union in 1844 as a Territory, and to give the United States all its lands, but the United States Senate turned down that proposal and made a counter proposal to Texas. It was not the idea of Texas that she should be especially favored. Nowhere in the records can I find where Texans initiated the idea. To tell the truth, Texas also thought the lands were worthless. The United States Congress initiated the idea and said, "Texas, you are the only State to which this proposal has been made: Pay your own indebtedness of $10 million, and keep all lands lying within your limits."

The people of Texas accepted that proposal.

I say to the Senator from Illinois that the fact that certain property now has been found to be valuable should not make any difference whatsoever. If the United States Government made a bad deal with Texas, it ought to adhere to the deal and keep its solemn contract, just as the United States has always kept its word in dealing with other nations.

Mr. DOUGLAS. Would the Senator permit me——

The PRESIDING OFFICER. Will the Senator from Illinois address the Chair if he desires to ask the Senator from Texas to yield?

Does the Senator from Texas yield to the Senator from Illinois?

Mr. DANIEL. I should like to proceed with my statement; however, I do not wish to decline the request of the Senator from Illinois.

Mr. DOUGLAS. I do not wish to impose on the Senator from Texas.

Mr. DANIEL. Suppose I complete my statement, and then I will yield to the Senator from Illinois.

From 1845 until 1948 both Texas and the United States interpreted their annexation agreement as leaving unto the State full and complete ownership of all submerged lands within its boundaries. We dedicated to our public-school fund all the submerged lands and dry lands which we kept. Some people say that the public schools ought to have the revenues from submerged lands. In Texas every dime we receive from such lands goes to our public schools. Such funds amount to something for one State. If they were divided among all the States, they would not amount to very much for any one State. However, they do amount to something for our Texas public-school fund.

There were many such official interpretations of the contract, and none to the contrary. Even former Secretary of the Interior Ickes said:

> Texas may have a legal right to its tidelands, because it came into the Union voluntarily and as an independent country.

I have read the statement made by the former Attorney General, now Justice Tom Clark, of the United States Supreme Court, outlining his opinion as to the title of Texas. This statement was made by him on the day he argued the California case:

> Texas had been an independent nation, a republic, for 10 years before it joined the Union. As a republic it owned all of the land within its boundaries, including the marginal sea, commonly called "tidelands." This area, similar to that involved in the California case, extended into the Gulf of Mexico and was under the sovereignty of Texas all during the republic and was retained by it under the provisions of the act of admission.

Even President Truman, during his campaign tour in Texas in 1948, led us to believe that he recognized our title when he said in Austin:

> Texas is in a class by itself; it entered the Union by treaty.

That was during the campaign. A few weeks after the election Mr. Truman instructed the Attorney General to file a law suit against our State for the submerged lands within its seaward boundaries. Senators know the result. The Supreme Court decision in United States against Texas was against our State by a vote of 4 to 3. The case is reported in Three Hundred and Thirty-ninth United States Reports, page 707, 1950. I had the honor of representing my State as its attorney general throughout the entire litigation, and I personally argued the case before the Supreme Court. I am not here to retry the lawsuit, but simply to say to the Senate that the Court decision was rendered without hearing any evidence of the long and consistent interpretation of our solemn agreement of annexation. Federal officials moved for judgment on the pleadings alone, and our entire argument before the Court was based upon the point that evidence should be heard before judgment was rendered. I explained what that evidence would be. There were associated with me 10 of the world's leading authorities on international law and interpretation of agreements between nations, in support of my argument that the Court should consider the evidence which I had accumulated. I offered to the Court their evidence and the work which they had performed. They said that the Court should hear evidence in a case of this kind, but this the Court refused to do, by a vote of 4 to 3.

This was the first time in the history of the Supreme Court that it refused to hear evidence offered by a State in a contested lawsuit. It was the first time in the history of the Supreme Court that it refused to interpret or apply a solemn contract between the United States and another government.

In a caustic criticism of this action by the Supreme Court, Prof. James William Moore, of Yale, author of Moore's Federal Practice, applies these words of Mr. Justice Field in the case of *Windsor* v. *McVeigh* (93 U. S. 274):

> A sentence of court pronounced against a party without hearing him, or giving him an opportunity to be heard, is not a judicial determination of his rights, and is not entitled to respect in any other tribunal. * * * For jurisdiction is the right to hear and determine; not to determine without hearing.

Under these circumstances I have never accepted this Court decision as final. I have felt it my duty to present the matter to the Congress, because the Congress made the agreement with Texas and it has the power to keep that agreement by restoring our property.

Only a few examples of the type of evidence which the Court refused to hear will convince Members of the Senate that the Congress of the United States and the Congress of the Republic of Texas intended and agreed that Texas was to retain all of its unsold lands, both dry and submerged when Texas entered the Union.

The best evidence is the contemporary and subsequent interpretation by the officials of the two Governments. That interpretation began immediately after Texas entered the Union when both Federal and State officials showed by their words and actions that the only property intended to be ceded to the United States was that which was to be itemized, conveyed and delivered *after* Texas was admitted into the Union. I have filed with the Commitee on Interior and Insular Affairs a complete folio of evidence which shows that the new State passed a law on March 26, 1846, authorizing its governor to "cede, transfer, and deliver" to the United States all public defense properties provided for in the agreement of annexation; that the governor informed the President of the United States that he was then "ready on the part of the State, and beg to be informed what manner you propose to receive the property."

They were going to itemize it and deliver it. If there had been any submerged lands intended to be conveyed, they would have been set out in a deed of cession and itemized. But there were none involved in any of these transactions.

I filed with the committee a letter showing that Secretary of State Buchanan requested the Congress of the United States to provide funds for a representative of the United States to go to Texas "to receive this property"; and another record showing that the only property mentioned by the letters of executive officials and by the United States Congress was that which had been used by the Republic of Texas in its public defense; copies of letters appointing officials of the United States to receive and itemize all property intended to be ceded by Texas to the United States together with the inventories; receipts, and other items showing that complete fulfillment was made by Texas and that all property intended to be delivered was actually delivered and receipted for; and that none of these letters, inventories or receipts covered any of the submerged lands now in controversy. This folio of evidence has been numbered and indexed in the files of the Committee on Interior and Insular Affairs for such examination and use as Members of the Senate may desire to make of it.

UNITED STATES RECOGNIZES TEXAS TITLE

Other examples of this consistent interpretation of the meaning of the annexation agreement and recognition by Federal officials of Texas' title to its lands below low tide in the Gulf of Mexico are as follows:

First. In 1880 the United States, through the United States Lighthouse Engineer, requested from the State of Texas and paid the sum of $1 for a deed from the State to the United States for 9.98 acres of submerged land for a lighthouse site in Galveston County at the point where Galveston Bay flows into the Gulf of Mexico. A copy of this deed, dated December 6, 1880, is filed with the Committee on Interior and Insular Affairs showing clearly that the land is seaward of low tide, out in the Gulf waters. Title to this land was approved by the Attorney General of the United States back in 1880.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DANIEL. I yield.

Mr. FERGUSON. How far out was the land?

Mr. DANIEL. This particular tract was between the headlands of Galveston Bay, and in the Gulf waters.

Mr. FERGUSON. How far from land?

Mr. DANIEL. I should say at least 2 miles from land.

Mr. FERGUSON. Then it was not in the twilight zone between the 3-mile limit and the 10-mile limit?

Mr. DANIEL. No. It was clearly outside.

Second. The Judge Advocate General of the War Department, on August 10, 1886, wrote an opinion in which he said clearly that no land or property passed from the Republic or State of Texas to the United States unless the property was used by the Republic of Texas at the time of annexation for public defense purposes mentioned in the

annexation agreement. A copy of this opinion is also in the files of the committee.

Third. In 1888, the United States Government made application to the State of Texas for a grant to certain lands running out into the Gulf of Mexico for the purpose of building lighthouses and jetties. A copy of this deed from the State of Texas to the United States, dated October 30, 1888, is filed with the committee.

If the Federal Government obtained those submerged lands, seaward of low tide, and within our boundaries, by the annexation agreement, or by any paramount-rights theory, it would not need to come to Texas to obtain deeds to the lands. The Federal Government came to Texas because it recognized the fact that Texas kept such lands under the annexation agreement.

Fourth. In 1904, the State of Texas filed suit against Capt. Edgar Jadwin, et al., of the United States Engineers, for title to and possession of a certain tract of land on the east end of Galveston Island, including submerged lands of Galveston Bay and the Gulf of Mexico. The Court of Civil Appeals rendered judgment in favor of the State (85 S. W. 490), in which the court said:

> The land beyond the island belonged to the State. Equally, the waters of the bay and the gulf for 3 leagues from shore.

This case was appealed by the Attorney General of the United States to the Supreme Court of the United States, but the appeal was dismissed by the Solicitor General—*Jadwin* v. *State of Texas* (209 U. S. 553 (1908)).

Fifth. In 1912 the United States, through the United States Engineers, applied to the State of Texas for a deed to the east end of Galveston Island and the submerged lands and tidelands involved in the Jadwin case, above, and a strip of land running out into the Gulf of Mexico, for a jetty, a distance of approximately 16,000 feet.

If anyone cares to know exactly the land for which the United States Government desired a patent from the State of Texas off Galveston beyond low tide, I have here a map, prepared by the United States Engineers, which shows this particular piece of land lying 16,000 feet from low tide out into the Gulf of Mexico.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DANIEL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. In the presentation of the brief submitted to the Supreme Court by the Senator from Texas, who, at the time, was the attorney general of the State of Texas, was this exhibit included?

Mr. DANIEL. I am not being facetious when I ask the Senator from Minnesota where he has been. I just explained to the Senate that I was denied the opportunity by the Supreme Court, by a 4-to-3 vote, to produce evidence on the subject. In my statement to the Court I did refer to the fact that the map was one piece of evidence I should like to have the Court appoint a master to examine, but the Court did not do it, and so the map is one of the matters of evidence I am presenting to the Senate which was not gone into by the Supreme Court, because it refused to hear evidence in the Texas case.

Mr. HUMPHREY. I thank the Senator. What did the Senator present to the Supreme Court when he brought his case to the Court?

Mr. DANIEL. I presented everything the Court would let me present.

Mr. HUMPHREY. Would the Senator wish to document his evidence?

Mr. DANIEL. It included the main argument, and the only argument before the Court, on a motion by the Federal attorney for judgment on the pleadings alone. Think of that. In a case involving more than 2 million acres of land the Federal Government comes before the Court, and says, "Give us judgment on the pleadings alone, without hearing evidence." I had asked that a master be appointed to hear the evidence, or that the evidence be taken before the whole Court, but the Justice Department came forward and said, "You do not need to hear the evidence. Give us judgment on the pleadings alone."

I presented my brief, all of it devoted to the point that the court, in a contested matter such as that was, between the Federal Government and a State, ought to hear the evidence. And I will say to the Senator that, if the court had heard the evidence, the decision would not have been rendered against the State of Texas. As it was, it was decided against us by only one vote. But if the court had heard the evidence as the Senate is hearing it, the decision would have been different. After Senators have heard all the facts and the evidence, I believe the Senator from Minnesota will be bound to agree that those who made the annexation agreement intended that Texas should keep all the lands within its boundaries that were unsold. The Senator is being kind enough to listen to the evidence, and I thank him for it.

Mr. HUMPHREY. May I see the record which the Senator has?

Mr. DANIEL. I shall be glad to have the Senator read it.

Mr. HUMPHREY. I have reviewed this record. Of course, I have not had the intimate knowledge the Senator from Texas possesses, since he was a participant in the hearings before the court.

Does the Senator say that the court did not even look at this material?

Mr. DANIEL. No; I do not at all say that the court did not look at the material.

Mr. HUMPHREY. Does the Senator say that the court did not, in its capacity as a judicial body, review and weigh the merits of the material in this document?

Mr. DANIEL. I say that the court weighed the material in this document, but this is a brief for the State of Texas in opposition to a motion for judgment on the pleadings. This is not the evidence.

Mr. HUMPHREY. I appreciate that.

Mr. DANIEL. The Senator from Minnesota knows that the court did not hear a bit of the evidence which is ordinarily heard before a master or before a court.

Mr. President, I wish now to complete my statement, because I am informed a Senator in opposition is ready to proceed this afternoon. Am I correct in that?

Mr. TAFT. Yes; I hope we can proceed with the opposition this afternoon.

Mr. HUMPHREY. Mr. President, if the Senator from Texas will yield, let me ask what was the date of the Texas decision?

Mr. DANIEL. As I recall, it was June 5, 1950.

Mr. HUMPHREY. Were there other decisions prior to the Texas decision?

Mr. DANIEL. There was the California decision.

Mr. HUMPHREY. Did the Supreme Court listen to evidence in the California case?

Mr. DANIEL. No evidence was presented by the State of California. It was agreed that the case would be decided on the pleadings.

Mr. HUMPHREY. The Senator from Minnesota is not an attorney, as is the Senator from Texas. When we talk about pleadings, in ordinary laymen's language does that mean what is presented to the court on which it bases its decision?

Mr. DANIEL. That is not correct. It is a petition, and the answer of the defendant. The defendant answers whatever is filed against him. The pleadings do not have anything to do with the evidence. The court hears the evidence after the pleadings have been filed.

Mr. HUMPHREY. Does not the petition contain material which would be relevant to the decision of the court?

Mr. DANIEL. Some of it would be.

Mr. HUMPHREY. Did the petition in the California case contain any material relating to offshore oil, and kindred subjects?

Mr. DANIEL. Nothing but that the Federal Government ought to have it.

Mr. HUMPHREY. I am speaking of the California case.

Mr. DANIEL. There was a very short petition, a formal petition, saying that the Federal Government had paramount rights to the ownership of the land.

Mr. HUMPHREY. What was the reply of California?

Mr. DANIEL. California filed a three-volume reply.

Mr. HUMPHREY. What was in the three-volume reply?

Mr. DANIEL. I am not going to yield for more questions about California. I am talking about Texas. Has the Senator any further questions about Texas?

Mr. HUMPHREY. Will the Senator yield again?

Mr. DANIEL. For a question on Texas only.

Mr. HUMPHREY. Does the Senator believe that the Texas case is at all germane to the joint resolution before the Senate?

Mr. DANIEL. I do.

Mr. HUMPHREY. Does the Senator from Texas believe that the Texas case is related to and a part of the general case which he is now making in support of the joint resolution?

Mr. DANIEL. I do not know that the Texas decision by the Supreme Court is

a part of any argument I am making except in my effort to point out to the Senate that in the Texas case the Court did not hear the evidence that I am now trying to present to the Senate.

Mr. HUMPHREY. Would the Senator say that because of the Court decisions in the Texas case, the Louisiana case, and the California case, the Senator from Texas feels it necessary to make his arguments as he is presenting them today?

Mr. DANIEL. I dare say that if it had not been for the Court decisions the States would all have their lands, and we would not be here considering the joint resolution. Because the Court decisions were contrary to what we thought the law was and contrary to the annexation agreement with Texas, we are here asking Congress to restore the property exactly as we claimed it for more than 100 years.

Mr. HUMPHREY. Will the Senator yield further?

Mr. DANIEL. I do not wish to yield further until I have completed my statement, but I shall be glad to do so then.

Mr. HUMPHREY. I thank the Senator.

Mr. DANIEL. Mr. President, I was referring to the map in connection with which the Federal Government acknowledges that Texas owns the lands seaward from low tide in the Gulf of Mexico for at least 16,000 feet.

A grant of this land was authorized by the Texas Legislature; and deed from the State of Texas to the United States, dated June 28, 1912, and title opinion of the Attorney General of the United States are filed with the committee.

The title opinion of the Attorney General of the United States on the so-called Texas tidelands or submerged lands, for which application for a deed was made to Texas, recites:

> The legislature in passing Senate bill 121, ceding the land to the United States, as well as the submerged lands, intended to treat and did treat said Wallace location and patents as unauthorized and void, and there appears to be no question that Senate bill 121 vested in the United States a perfect title to all the land described in said bill and that the United States need not now do anything to get title—it cannot be made better.

Mr. President, a better title than the one Texas can give to the lands seaward from low tide, within her historic boundaries, cannot be made, according to the 1912 opinion of the Attorney General of the United States.

Sixth. On April 4, 1908, the Attorney General of the United States wrote an opinion holding that title to the abandoned bed of the Rio Grande, around what is known as Cordova cutoff, was in the State of Texas, rather than in the Federal Government. Although this involved inland submerged lands, the opinion was broad enough to show the general interpretation of the Texas annexation agreement as retaining all submerged lands.

The Attorney General of the United States then said:

> I am, therefore, of opinion that all vacant and unappropriated lands within the limits of Texas which belonged to the Republic of Texas now belong to and are vested in the State of Texas and that the title to the same has never been in the United States, the United States owning in the State of Texas only such lands as have been acquired by purchase or condemnation under the laws of Texas and such land as was excepted by the joint resolution referred to above.

Seventh. Mr. President, I now come to the seventh item of evidence, and I am about to bring this presentation to a close. This is a very significant piece of evidence which the Court did not hear, but which I think the Congress should hear. On April 4, 1925, the Secretary of the Interior denied a permit requested by Leonard J. Benckenstein for an oil and gas prospecting permit in the Gulf of Mexico off the coast of Texas, on the grounds that the lands were not public lands of the United States, but that they belonged to the State of Texas.

This was property beyond low tide within the Gulf of Mexico, upon which an applicant sought a lease from the Secretary of the Interior. The Secretary of the Interior said:

> For information concerning the ownership of lands located within the State of Texas and under tidal waters adjacent to the State your attention is invited to the following:
>
> The Republic of Texas was admitted as a State on December 29, 1845, upon "guaranty" made by the United States that Texas "shall also retain all the vacant and unappropriated lands lying within its limits" (5 Stat. 797, and 9 Stat. 108). See also B. F. Nysewander (47 L. D. 372). Texas has, for more than three-quarters of a century, governed and disposed of its own public lands, with the consent and approval of the United States. Moreover, the Supreme Court of Texas has said: "The legislature of the State has the power to dispose of the unappropriated lands within the State" (*Victoria* v. *Victoria County* (100 Texas, 438)).
>
> Aside from the question of the ownership, by the State of Texas, of all vacant and unappropriated lands lying within its borders by virtue of the conditions under which it was admitted into the Union, all lands, under tidal waters and below the line of ordinary high tide belong to the State by virtue of its sovereignty (*Pollard* v. *Hagan* (3 How. 212, 229); *Knight* v. *U. S. Land Association* (142 U. S. 161, 183)).

Eighth. In 1941, the Reconstruction Finance Corporation made a loan of $1,100,000 to the city of Galveston, through purchase of revenue bonds, on a municipal recreation pier which was constructed out into the Gulf of Mexico, a distance of approximately 2,000 feet from low tide. If any Member of the Senate cares to see a picture of the pier, the title of which was approved by the Reconstruction Finance Corporation attorneys, and upon which a $1,100,000 loan was made by the RFC—the pier being erected upon a tract of land which the Supreme Court of Texas had already said belonged to the State of Texas before it made a grant to the city of Galveston—I have here a picture of the pier, and I shall pass it among my colleagues.

Before approving the bonds and the title to the land, attorneys for the Reconstruction Finance Corporation had before them a decision of the Supreme Court of Texas in the case of *City of Galveston* v. *Mann* (143 S. W. 2d 1028 (1940)), involving the exact parcel of land and holding that the State of Texas owned the waters and submerged lands and that the bonds of the city of Galveston for construction of the pleasure pier were not subject to approval by the attorney general of Texas without a grant or easement from the Texas Legislature. By Senate Bill No. 13, the 47th legislature in 1941, the legislature granted the land to the city of Galveston, retaining the mineral rights and providing that "the tidelands and waters of the Gulf of Mexico" should not pass to any purchaser at a foreclosure sale. All of this was recited in the title and bond opinions now in the files of the Reconstruction Finance Corporation, copies of which are filed with the Committee on Interior and Insular Affairs.

Another reason we may be sure that it was the intention of the Congress of the United States in 1845 that Texas was to retain all lands beneath navigable waters within its boundaries is the fact that at that time the Congress and the Supreme Court believed that this type of property belonged to all of the States. The rule in *Pollard* v. *Hagan* (3 How. 212, 229 (1845)) has already been written by the Supreme Court, as follows:

> 1. The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively.
>
> 2. The new States have the same rights, sovereignty, and jurisdiction over this subject as the Original States.

As to Texas, one other reason may be given for this proposed legislation. It is a promise written by the President of the United States, James K. Polk, to Sam Houston while annexation proceedings were in progress. Sam Houston wanted to know whether the United States would defend our title to the lands within the boundaries we claimed as against Mexico. President Polk wrote to Sam Houston a letter in which the following statement was made:

> Of course I would maintain the Texian title to the extent she claims it to be.

That was before Texas finally agreed to accept the proposal for annexation.

President Polk kept that promise. Every other President of the United States except President Truman kept the promise.

Mr. President, lately some persons have written that President Roosevelt had these suits filed against the coastal States, but I want the RECORD to be made perfectly clear that President Roosevelt did no such thing. It was not until after the death of President Roosevelt that the filing of any such suit against the coastal States was authorized. President Truman's actions against Texas have made it necessary for the Congress to intervene in order that a promise and a contract of this Nation will not remain broken. His actions against the other States have made it necessary for the Congress to restore also to them the property which they have possessed in good faith for more than 100 years.

END NATIONALIZATION OF PROPERTY

Most important of all is the need for Congress, through this legislation, to stop further nationalization of property under this newly discovered conception of

"paramount rights" first announced in the so-called tidelands cases.

The Supreme Court did not hold that the Federal Government owns these lands. In the California case it said that the needs and powers of the national sovereign are paramount to "bare legal title" and transcend the rights of "a mere property owner." Those words were used by the Court, which also said that such paramount governmental powers give the Federal Government the right to take and use property within the established boundaries of a State without having ownership or paying compensation.

In the Texas case the Supreme Court went further. It said:

Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign.

As said recently by Dean Roscoe Pound:

It is a startling proposition to tell Americans that sovereignty, which we have thought of as political, must be proprietary as well—must include ownership of the soil.

If this rule is extended to its logical conclusion, Dean Pound says the Federal Government could take any land, public or private, within the entire country—Critique on the Texas Tidelands Case, by Roscoe Pound, Baylor Law Review, winter 1951, volume III, page 120.

The American Bar Association and the American Title Association have pointed out that this new doctrine is a threat to private ownership of land and minerals, because the Federal Government has the same needs for national defense and the same paramount powers and responsibilities with respect to private lands and minerals under private lands as it does with respect to lands beneath navigable waters.

This new application of paramount rights is closely akin to the Truman theory of "inherent powers." Both disregard the constitutional concept that property rights are separate from political powers and cannot be taken by the Government without due proces of law and just compensation. Both could lead to further nationalization of property and untold centralization of government. They are part of a dangerous trend which can be stopped to a large extent by the enactment of the terms and principles contained in Senate Joint Resolution 13.

Mr. President, the pending joint resolution would provide that for the future, proprietary rights, although they are subordinate to Federal governmental powers over these lands, shall be separate and apart from the governmental powers, and shall be held by the States, rather than by the Federal Government.

We believe that the pending joint resolution will do much toward stopping a dangerous trend toward further nationalization of property, in disregard of the rights of the States and of property ownership in this Nation.

At this time I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, if the Senator from Texas does not mind doing so I should like to have him return to the case, as noted in the opinion of the Supreme Court, of United States of America, plaintiff against the State of Texas, decided on June 5, 1950.

According to the comments made by the Senator from Texas, I have been led to believe that, literally, the State of Texas was denied any opportunity to present to the Court any material of any consequence.

Mr. DANIEL. Perhaps the Senator from Minnesota does not intend to misquote me, but I did not say that Texas was denied the right to produce "any material" before the Court. I said over and over again that Texas was denied the right to introduce evidence. I said I had asked for the appointment of a master to hear the evidence. That was all I said. Certainly we presented material. We presented our pleadings and we presented a brief in which we pleaded with the Court please to hear the evidence and not to decide the case on the pleadings alone. But the Court rejected our request.

Mr. HUMPHREY. Of course the Senator from Texas is very familiar with the decision of the Court in that case, for the Senator from Texas is an outstanding attorney and since he is vitally concerned with that case, I am sure he has read again and again the opinion in the case.

Has the Senator from Texas read in that decision the following language:

As an affirmative defense Texas asserts that as an independent nation, the Republic of Texas had open, adverse, and exclusive possession and exercised jurisdiction and control over the lands, minerals, etc., underlying that part of the Gulf of Mexico within her boundaries established at 3 marine leagues from shore by her first congress and acquiesced in by the United States and other major nations; that when Texas was annexed to the United States the claim and rights of Texas to this land, minerals, etc., were recognized and preserved in Texas; that Texas continued as a State, to hold open, adverse, and exclusive possession, jurisdiction, and control of these lands, minerals, etc., without dispute, challenge, or objection by the United States; that the United States has recognized and acquiesced in this claim and these rights; that Texas under the doctrine of prescription has established such title, ownership, and sovereign rights in the area as preclude the granting of the relief prayed.

As a second affirmative defense Texas alleges that there was an agreement between the United States and the Republic of Texas that upon annexation Texas would not cede to the United States but would retain all of the lands, minerals, etc., underlying that part of the Gulf of Mexico within the original boundaries of the Republic.

As a third affirmative defense Texas asserts that the United States acknowledged and confirmed the 3-league boundary of Texas in the Gulf of Mexico as declared, established, and maintained by the Republic of Texas and as retained by Texas under the annexation agreement.

I have read from some of the passages of the decision.

My question is, If the Court in its decision takes note of the fact that Texas had three affirmative defenses, how did the Court get those affirmative-defense assertions, unless the Senator from Texas, who was at that time the attorney general, presented that material to the Court?

Mr. DANIEL. By the pleadings which were filed by the State of Texas.

Mr. HUMPHREY. Of course.

Mr. DANIEL. Our affirmative defenses were stated in the pleadings. That was not evidence. We wanted to take up those affirmative defenses, and hear evidence in support of them. The Supreme Court refused to hear the evidence. If the Senator will read further in the opinion——

Mr. HUMPHREY. Yes; I have read further.

Mr. DANIEL. If the Senator will read far enough to get the points that are against that argument, as well as those that might be in favor of the argument, he will find that the Court said that it did not see any necessity of taking evidence and would not hear any evidence.

Mr. HOLLAND rose.

Mr. HUMPHREY. Would the Senator permit me to quote that portion of the decision?

Mr. DANIEL. No; I will yield only for questions that may be propounded, because the Senator can bring all that out in his own argument, I believe, without my holding the floor any longer. If the Senator has a question, I will yield. I believe the Senator from Florida has a question.

Mr. HUMPHREY. I have this question: Is it not true that the Court said:

If there were a dispute as to the meaning of the documents and the answer was to be found in diplomatic correspondence, contemporary construction, usage, international law and the like, introduction of evidence and a full hearing would be essential.

We conclude, however, that no such hearing is required in this case. We are of the view that the equal-footing clause of the joint resolution annexing Texas to the Union disposes of the present phase of the controversy.

Is the Senator familiar with that language?

Mr. DANIEL. I am familiar with that language, and have told the Senate about it. The Supreme Court, instead of hearing evidence, used the words "equal footing," contained in the mere formal resolution admitting Texas into the Union. It used those words, which were never submitted to Texas, to take away from Texas in excess of 2 million acres of land which Texas had owned, but which the Court held should go to the United States. I have gone into all that, and I have shown that such interpretation is contrary to the express terms of the annexation agreement.

I now yield to the Senator from Florida for a question.

Mr. HOLLAND. I thank the distinguished Senator, but my question would have been addressed to bringing out the fact which I think has now been made clear, namely, that the Supreme Court declined to hear evidence, declined to take depositions, and declined to grant the motion of the State of Texas for the appointment of a special master, all because of the ruling of the Court that—

We are of the view that the equal-footing clause of the joint resolution annexing Texas to the Union disposes of the present phase of the controversy.

It specifically declined to hear any testimony in support of the three affirmative defenses, which have been read into the record out of the pleadings as cited by the Senator from Minnesota.

Is the Senator from Florida correct in his understanding that the ruling of the Supreme Court was to the effect that no depositions could be taken, that no master could be appointed, no evidence could be offered, and all because of the fact that the Court had made up its mind that its ruling on the equal-footing phase of the situation made it unnecessary to take any evidence in the case?

Mr. DANIEL. The Senator is correct.

Mr. HOLLAND. Is the Senator from Florida also correct in his understanding that, by that ruling, the State of Texas was precluded from affirming or supporting or maintaining any of the affirmative defenses which it set forth in its able answer, and which it stood ready to defend and sustain, had it been allowed to offer evidence?

Mr. DANIEL. That is correct as to all of the defenses, which were based upon evidence.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. DANIEL. I will yield in a moment. While we are on the subject of "equal footing," I should like to state for the record that throughout the history of this country the words "equal footing" have been held by our courts to apply to political rights, and not to property rights; certainly not to any property rights that would be taken away from States and granted to the Federal Government. We find that in the negotiations for the annexation of Texas there was an alternative clause, section 3, which would provide for further negotiation of a treaty and terms entirely different from sections 1 and 2 which were actually submitted and accepted. Equal footing was mentioned in the alternative and unused section 3 of the March 1, 1835, resolution, but it was never submitted to Texas and was never agreed to by Texas. The closest the negotiators ever come to mentioning "equal footing" was when the negotiator for the United States had an instrument, on the original copy of which he had written the words "equal footing." He struck out the words "equal footing" and in their place inserted "the most favorable footing." I get that from the State Department's own records, from which I quoted.

Texas never had the words "equal footing" submitted to it as a part of the agreement. It never considered the words at all, and certainly no one ever dreamed that those words, inserted in the subsequent joint resolution which was passed by Congress as a mere formality, would be used later in the manner in which they were used by the Supreme Court, to take away property which it was theretofore agreed Texas should retain.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DANIEL. I yield to my colleague, the senior Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I could not let this opportunity pass without commending my colleague for the very able and thorough and patient manner in which he has made his great presentation of this subject. I do not know that I have ever heard a cause more ably and eloquently presented. I only regret that every Member of the Senate could not have been here to hear the junior Senator from Texas this afternoon. I believe I can with certainty speak for the 8 million people of our State in saying that we are very, very proud of the tolerance the Senator has shown, and of the able manner in which he has handled himself. I think the Senator has really been devastating in some of the answers he has made to some of the arguments advanced.

Mr. DANIEL. The junior Senator from Texas wants to thank the senior Senator from Texas. I fear he is a little bit prejudiced, but I do appreciate his very kind remarks.

Mr. LONG. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield to the Senator form Louisiana.

Mr. LONG. I wish to congratulate the Senator from Texas upon the very able argument he has made on the submerged lands issue, and also upon the manner in which he conducted himself during the hearings on this matter, in seeing that all the evidence was developed, in seeing that the case was fully presented, and in seeing that the very voluminous hearings, which we have before us, reflected all the evidence available and which could be obtained. I believe that he has given perhaps the best presentation of the argument for the submerged lands case on the States' side that I have heard presented before the United States Senate.

Mr. DANIEL. I thank the Senator from Louisiana.

Mr. MURRAY obtained the floor.

Mr. DIRKSEN. Mr. President, I ask the distinguished Senator from Montana whether he will yield to me for about 5 minutes.

Mr. MURRAY. If it does not mean that I lose the floor, I shall be very glad to yield to the Senator from Illinois.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Without objection, the Senator from Illinois is recognized for 5 minutes.

WILLIAM HOWARD TAFT III, AMBASSADOR TO IRELAND

Mr. DIRKSEN. Mr. President, last week the Senate advised and consented to the nomination of William Howard Taft III to be the United States Ambassador to the Republic of Ireland. I heartily concur in this action. I had intended to make an observation or two on this nomination at the time but almost constant attendance on a variety of committee meetings at the time made it inopportune. I do wish to detain the attention of the Senate for a few moments to felicitate our country as well as the Republic of Ireland on the wisdom and timeliness of this choice.

As a general thing, I believe it may be safely said that the kind of a foreign minister who is most likely to succeed in behalf of his country is one who not only knows the culture, traditions, history, and policy of his own country but also that of the country to which he is assigned. By this standard, William Howard Taft III is destined not only for success in this field but will make a real contribution to closer and better relationships with the people of Ireland.

Certainly one of his primary duties will be to bring the American viewpoint to the Irish people. This cannot be done by mere formal pronouncements, social display, or an aloof manner. It must be done through contact with every facet of Irish life and activity. To this task, Mr. Taft brings a singular talent.

After securing his bachelor's degree at Yale and his doctor's degree in literature at Princeton, he returned to Yale to teach after serving with Central Intelligence, and during that time made a sustained study of Irish literature, history, and language. He is quite proficient in Gaelic. No attribute is so appealing to a nation as to have a representative who knows their country, their aspirations, their viewpoint, and the problems which are inherent in national character. There could be no better background for foreign service than this.

But Mr. Taft's background is not a mere matter of academic study, because he had a sustained opportunity to apply and utilize it in the very country to which he goes. In 1948, he was assigned to Ireland as special assistant to the Chief of the ECA Mission. This gave him 3 years of opportunity to study the economic problems of Ireland, maintain close contact with the United States Embassy, to become acquainted with Irish officials, and to make useful contacts with the people in all walks of life. He has spoken to a great variety of groups in every one of the 26 counties. These include chambers of commerce, business and industrial groups, labor unions, farm clubs, students, and others. These contacts not only provided him with an opportunity to appraise Irish reaction to the problems of the day but gave the people a chance to assess him and the viewpoint which he brings to them. He is no stranger to Ireland. He has already found a place in their respect and their affection.

But his special fitness for this particular assignment does not stop there. As special assistant to the chief of the ECA mission in Dublin, he was called upon frequently to exercise responsibility at many levels. Because the mission was small, he was called upon to perform a variety of administrative and negotiation tasks. This meant serving as the mission information officer, its controller, its technical assistance officer on labor and industry. In this connection, he had frequent opportunity to meet and negotiate with members of the Irish Cabinet and other officials and to get a comprehensive concept of the economic problems and what is necessary to properly encourage programs in the field of tourism, mineral development, and other fields for the advancement of Irish progress and the improvement of Irish-American relations.

One other fact should be added to this recital. Because there was but a modest ECA mission in Dublin, it was in close and constant contact with our Embassy and Foriegn Service personnel. This

provided diplomatic experience on a broad scale and a thorough working knowledge of the duties and responsibilities which go with our Embassy in Dublin.

Today William Howard Taft III is well known to Irish officialdom, to the Irish press, and to Irishmen in all walks of life. To all this, he brings one other advantage, that of a young family. He himself is a young man. The youngsters that he and Mrs. Taft will take to Dublin will be a real diplomatic asset. Children can open doors when diplomatic subtlety fails.

On the basis of the record, it may be said therefore that no appointee in the whole diplomatic service is better equipped for his task than William Howard Taft and to it all there must be added a scholarly mind, boundless energy, impeccable character, and a thoroughgoing American viewpoint.

And when he lands in Dublin, he will be saluted in Gaelic, they will wish him the top of the morning, and probably shout, "Up the O'Taffe."

And there will be some reason. Up in the Nutmeg State, they can tell you about the original Peter Taft and the Alphonsos, one of whom used to walk from the village of Townsend to Yale University and back each year, a journey which took him from one boundary of the State to the other. It was Alphonso who left New England to go to Cincinnati. He was the father of President Taft, the grandfather of Majority Leader TAFT and the great grandfather of Ambassador Taft. And up in the Nutmeg State they still refer to the family as the O'Taffe's. And so in Dublin they will be happy about a young man with a great family tradition. And as he and his fine young family take over the Embassy in Phoenix Park there will be a housewarming to warm the cockles of the heart and they shall say "Up the O'Taffe." That will enrich the Irish-American relationship.

Mr. MURRAY. Mr. President, I am very glad to hear the statement made by the distinguished Senator from Illinois [Mr. DIRKSEN], and I am sure we are all very pleased with the caliber, attainments, and ability of our new Ambassador to Ireland.

Mr. DIRKSEN. I thank my distinguished colleague from Montana.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. MURRAY. Mr. President, I wish to take this opportunity to discuss some phases of the pending legislation, Senate Joint Resolution 13, the so-called Submerged Lands Act.

I intend, in opening, just to glance at the basic subject before the Senate and I intend, later, in the course of my discussion, to go further into details.

This measure proposes to grant to the States of California, Texas, and Louisiana valuable oil and gas deposits discovered in the Continental Shelf, which extends from their coastlines for varying distances out under the seas. These coastal States have for a number of years been claiming title to and ownership in these submerged deposits within what they term their "historic boundaries." They had undertaken to carry on programs for administering and developing these deposits. I shall go into these claims of title in greater detail at a later time in the course of my remarks.

The United States Government, however, claimed paramount rights and full dominion over these submerged lands and the valuable oil and gas deposits found therein.

In order to determine the question of dominion and control over these resources, the Secretary of the Interior of the United States caused suits to be brought in the United States courts to settle this question. While these cases were pending in court, the States of California, Texas, and Louisiana sought to defeat the purposes of that litigation by having Congress enact legislation purporting to quitclaim to them all the rights of the United States in and to said deposits. Legislation of this character was put through the Congress while these suits were pending, but it was vetoed by President Truman during his administration. Finally, these suits were heard by the Supreme Court of the United States, which determined by final decree the question of dominion over and control of these mineral resources in three decisions dealing with California—1947—Louisiana—1950—and Texas—1950.

The decrees entered by the Supreme Court of the United States in these cases declared that the United States has paramount rights in and full dominion and power over the lands, minerals, and other things in the offshore areas where these mineral deposits were found, and that the coastal States do not own and never did own such submerged lands or have title to the oil and other mineral deposits that may be found therein. The Supreme Court used identical language in all three decrees, declaring that the States have "no title thereto or property interest therein." The States of California, Texas, and Louisiana now seek to overrule and reverse the decisions of the Supreme Court through the enactment of the legislation proposed in Senate Joint Resolution 13.

It must be apparent at once that this proposed reversal of the rulings of the Supreme Court and granting of title to these valuable oil deposits to the claimant States places a grave responsibility upon the members of this body. As Members of the Congress of the United States, we must realize that we are serving in the nature of trustees of this vast underseas wealth, and in the years to come we will be called upon to account for our stewardship. If we fail to conserve this great reservoir of wealth in gas and oil which the Supreme Court holds belongs to the United States, and if we permit it to be diverted from its proper use in the defense, security, and welfare of our country, we will have committed a tragic error. We will be guilty of a flagrant failure of duty and responsibility to the people. The tremendous national debt that our country has accumulated, and the need of conservation of our resources and wealth for the defense and security of our country and the welfare of our people, present a matter of the gravest concern.

Notwithstanding all the high-sounding phrases about "historical boundaries" and the fanciful claims, assertions, and pretensions of these States regarding their so-called historic rights and their so-called sovereignty, they failed in the hearings held before the Senate committee to establish any legal right or interest whatsoever in these offshore deposits. They seem to assert, however, that they have some claim of equity to this offshore wealth. They assert that ever since these oil deposits were discovered in the Continental Shelf, the States of California, Texas, and Louisiana always thought that they possessed a just claim and title to them, and on that assumption they have undertaken to explore, administer, and develop these deposits through leases and contracts for such development.

THE ISSUE BECOMES A POLITICAL FOOTBALL

In the face of the decisions of the Supreme Court of the United States, the proponents of this legislation have continued to press for its enactment. This struggle to gain control and dominion over these valuable oil deposits soon developed into a hot political issue. Political bargaining began in earnest. Twice this sort of legislation had been forced through the Congress, but in each instance it met a presidential veto. Still, the political phase of the struggle continued. Politicians and oil speculators became highly excited over the issue. In the presidential election campaign of 1952 General Eisenhower was induced to promise that if he were elected he would sign any bill that would be put through the Congress giving California, Texas, and Louisiana these valuable oil and gas deposits. Then the political drums began to beat in earnest.

I am confident that General Eisenhower did not choose to get involved in this political war between the States. He was the victim of his political friends and advisers. In the midst of his campaign he was confronted with this issue and, under political pressure, induced to promise his support and his signature if the legislation were enacted. I have a letter from a prominent citizen of Texas in which he says the President was terribly imposed upon. It was contrary to his character to make such an agreement in the election campaign, and it is only fair that he should be released from it. He can be released from it by defeating the pending measure.

The proponents of the pending measure seem to be laboring under the mistaken notion that the States of California, Texas, and Louisiana have acquired some sort of an equity which would give them the right to have Congress turn over these oil deposits in dispute and deprive the remaining 45 States

of the Nation of any participation therein.

We have listened during the day to the very able arguments made by the Senator from Texas [Mr. DANIEL], in which he discussed the cases in the Supreme Court and undertook to convince the Senate that the States concerned did not receive a fair hearing before that Court and were denied the right to present facts which they deemed would be sufficient to justify a decison in their favor by the Supreme Court. That argument is questioned by many Senators who have been studying this matter and who believe that the rulings of the Supreme Court were correct and sound in every particular.

Of course, Congress should not perpetrate such an injustice. All the remaining States are as much entitled to participate in the proceeds derived from the administration of these huge oil deposits as the three States of California, Texas, and Louisiana. The three claimant States, however, are dissatisfied with the Supreme Court decisions and ask that they be overruled and reversed by this legislation.

During the course of hearings on this legislation the present Attorney General of the United States, Herbert Brownell, Jr., the highest legal officer of the Eisenhower administration, stated that to undertake to quitclaim this property to the aforesaid States would raise a constitutional question. He advised that some scheme or method might be used to accomplish the same result while, at the same time, avoiding the constitutional bar.

Thereupon, the proponents of this legislation, with the assistance of Attorney General Brownell, prepared the pending measure, Senate Joint Resolution 13, which seems to take two stabs at the problem. First, it undertakes to grant title directly to these States. If the direct grant of title is unconstitutional and void, then, as an alternative, the measure purports to give these three States the full and complete right to administer and develop the oil deposits found in the marginal seas and retain all the proceeds therefrom. This, of course, would exclude the 45 remaining States from any participation whatever. The proponents of this legislation feel that by this procedure they would avoid the constitutional question arising out of granting direct title to the States. By this alternative method they would give these States all the fruits of title by allowing them to retain all the proceeds gained from the administration and development of these valuable oil deposits. This, of course, would be an apparent subterfuge, a plain effort to avoid the constitutional bar.

Against this background the distinguished Senator from New Mexico [Mr. ANDERSON], the distinguished Senator from Washington [Mr. JACKSON], and I have filed a minority report expressing our strong opposition to Senate Joint Resolution 13, reported by the majority of the committee. We recommended the enactment of S. 107, sponsored by the distinguished Senator from New Mexico, which provides that these offshore oil deposits shall be administered by the Secretary of the Interior and shall be developed for our national defense and other purposes beneficial to the Nation. The Anderson amendment provides that 37½ percent of the royalties derived from these vast resources shall be proportionately allotted to the 48 States. We also recommend the adoption of the amendment to S. 107, sponsored by the distinguished Senator from Alabama [Mr. HILL] and 21 other Senators from both sides of the aisle.

The Hill amendment provides that—

> All other moneys received under the provisions of this act shall be held in a special account in the Treasury during the present national emergency and, until the Congress shall otherwise provide, the moneys in such special account shall be used only for such urgent developments essential to the national defense and national security as the Congress may determine and thereafter shall be used exclusively as grants-in-aid of primary, secondary, and higher education.

The Hill amendment provides further that—

> It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant, or leases or grants, covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1953, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of such lease or grant, or leases or grants, since January 1, 1940, and the Attorney General shall submit the statements so received to the Congress not later than February 1, 1954.

SERIOUS QUESTIONS ARE RAISED BY THIS PROPOSED GIVE-AWAY LEGISLATION

First. Has Congress the moral right to give away to 3 States the share of the people of 45 States in their heritage under the marginal seas?

Second. Has the Federal Government, weighted as it is with vast responsibilities and expense, the right to give away valuable assets and sources of revenue which would relieve tax burdens and provide for the national defense?

Third. Have 3 States the right to all benefits from assets in the marginal seas while taxpayers of 48 States must support and regulate navigation, commerce, and international relations in this area, as well as provide protection by the Coast Guard in peacetime and full-scale defense in time of war?

Fourth. Has Congress the constitutional power to give title of the marginal seabed to individual States when the Supreme Court has repeatedly held that such lands belong to the Federal Government, by virtue of its national external sovereignty, and the Justice Department under Democratic and Republican administrations has warned us that such a grant may be unconstitutional?

Fifth. Has Congress the right to extend any offshore boundaries, as this legislation does, beyond the 3-mile limit, an extension which the State Department has just told us violates international law?

Sixth. Does the Senate intend to repudiate a joint resolution introduced by Senator Nye and adopted unanimously by the Senate on August 19, 1937, that authorized the Attorney General of the United States "to assert, maintain, and establish the title and possession of the United States to the submerged lands aforesaid, and all petroleum deposits underlying the same; to stop and prevent the taking or removing of petroleum products by others than the United States from the said submerged lands"?

Seventh. Do Senators wish to override the clear words of the Supreme Court in the case of *United States* v. *Texas* (1950), namely:

> Once a low-water mark is passed the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign * * *. If the property, whatever it may be, lies seaward of the low-water mark, its use, disposition, management, and control involve national interests and national responsibilities.

Before discussing the details of Senate Joint Resolution 13, I would first like to review some of the high points in the background of this controversy, and indicate some of the facts on the great value of the offshore mineral resources.

I will then endeavor to demonstrate that the enactment of this legislation, even if it were upheld in the courts—which is highly doubtful—would have the following six disastrous effects:

First. It would weaken the security of the United States.

Second. It would encourage extravagant boundary claims by Russia and other nations.

Third. It would undermine the Federal Government's power program.

Fourth. It would imperil the United States fishing industry.

Fifth. It would set off a chain reaction of other giveaways of the public domain.

Sixth. Since it does not define State boundaries, it would produce endless litigation over the extent of the oil lands which are given to the States.

I. THE BACKGROUND OF THIS GOVERNMENT

FEDERAL CONTROL OF OFFSHORE LANDS FIRST ESTABLISHED BY THOMAS JEFFERSON

In 1793 Thomas Jefferson, who was then Secretary of State, put forward the first official American claim for a 3-mile zone off the coast of the United States. This claim won general international acceptance.

During the decades that followed many controversies developed over the control of tidelands, that is, the lands between the points of high and low tide, and the beds of navigable inland waters. They were settled in a long series of Supreme Court decisions which established control of such lands in the hands of the States. But none of those decisions dealt with the submerged lands of the Continental Shelf, which begins at the point of low tide and extends out to the sea.

CONGRESS AFFIRMED UNITED STATES RIGHTS TO PUBLIC LAND IN ADMISSION OF CALIFORNIA

On September 9, 1850, Congress, in admitting California to the Union, specified that—

> The people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever

upon the public domain of the United States.

WITH DISCOVERY OF OIL, QUESTION OF RIGHTS BECAME IMPORTANT

It was not until the discovery of important oil deposits in the Continental Shelf that the question of rights in such submerged lands became important. The assertion of claims to the Continental Shelf by the States of California, Louisiana, and Texas, and the issuance of oil and gas leases on Continental Shelf lands by these States beginning as early as the 1920's in the case of California, as I have heretofore stated, led to the institution of litigation against them by the Federal Government for the purpose of having the Supreme Court decide whether the United States or the several coastal States had the right to develop the oil and gas deposits in the Continental Shelf.

SUPREME COURT AFFIRMS, AND REAFFIRMS, FEDERAL RIGHTS

The Supreme Court settled the question of control over and rights in the Continental Shelf and its mineral resources in three decisions dealing with California, 1947; Louisiana, 1950, and Texas, 1950.

The decrees of the Court held, as I have heretofore stated, that the United States of America has "paramount rights in, and full dominion and power over, the lands, minerals, and other things" in the offshore area, and that the coastal States, as such, do not own and never did own such submerged lands. The Court used identical language in all three decrees, declaring that the States have "no title thereto or property interest therein."

In another decision, the Court pointed out that—

> Neither the Thirteen Original Colonies nor their successor States separately acquired "ownership" of the 3-mile belt (*Toomer* v. *Witzell* (334 U. S. 385)).

GIVEAWAY LEGISLATION TWICE VETOED

The advocates of granting title to these lands to the three States attempted in 1946 to forestall Supreme Court action through legislation to give the offshore lands of the Continental Shelf to the coastal States. This effort was defeated by a Presidential veto.

After the Supreme Court had acted, the give-away advocates attempted to nullify the effect of the decisions. In 1952 this effort was also defeated by a Presidential veto.

FEDERAL GOVERNMENT UNABLE TO LEASE CONTINENTAL SHELF LANDS FOR MINERAL DEVELOPMENT

In 1947 the Solicitor of the Interior Department ruled that the Mineral Leasing Act of 1920 was not applicable to the submerged lands of the Continental Shelf. This ruling was contested in a number of court cases. These cases have not as yet been finally decided.

It became evident, therefore, that Federal legislation was needed if the Federal Government were to develop the offshore oil and gas resources of the Continental Shelf. The enactment of such legislation, however, has been prevented by the opposition of the give-away advocates. As a result, the proper development of the offshore oil and gas resources has been stalled.

LOUISIANA AND TEXAS DEFIED THE SUPREME COURT

When the Supreme Court was considering the California case Louisiana and Texas intervened and presented their views to the Court. After the case was decided in favor of the United States, Louisiana and Texas defied the Supreme Court ruling. Louisiana continued to issue oil and gas leases on, and Texas initiated a program of leasing for oil production, Continental Shelf lands, including lands situated seaward of their so-called historic boundaries. These States profited by many millions of dollars, even after it was clear from the Supreme Court's ruling in the Louisiana case, that they were trespassing on property belonging to all the people of the United States. Passage of quitclaim legislation would put a premium on deliberate defiance of the law.

ATTORNEY GENERAL BROWNELL WARNS AGAINST QUITCLAIM LEGISLATION

Attorney General Brownell on March 2, 1953, in his testimony before the Committee on Interior and Insular Affairs, advised against giving title to any marginal seas.

Mr. Brownell stated:

> My recommendation would mean, in legal terms, that instead of granting to the States a blanket quitclaim title to the submerged lands within their historic boundaries, the Federal Government would grant to the States only such authority required for the States to administer and develop the natural resources.

SECRETARY OF STATE DULLES OPPOSES BOUNDARIES BEYOND 3-MILE LIMIT

On March 6, 1953, in a letter to Senator HENRY M. JACKSON, of the Interior Committee, Secretary Dulles, through an Assistant Secretary of State, stated:

> Extension of the boundary of a State beyond the 3-mile limit would directly conflict with international law.

So much for the talk in the giveaway bill of historic boundaries which go beyond the Nation's 3-mile limit.

NO VALID REASON EVER ADVANCED FOR GIVEAWAY OF PUBLIC TRUST TO STATES

During the hearings the advocates of Senate Joint Resolution 13 were challenged to produce a single valid reason why the United States should surrender its vast oil properties in the submerged lands of the marginal sea.

They undertook to submit two reasons: One was that they had enjoyed such rights over a long period of time, asserting ownership since entrance into the Union. This contention was rejected by the Supreme Court of the United States. It has no valid basis in fact or in law. It is irrelevant in considering legislation on the subject.

The other alleged reason was that during the argument in the California case the Attorney General of the United States had promised that equity would be done the States concerned. This "reason" would embrace the preposterous idea that a mere promise of equity meant that the United States would give up everything it won in the litigation.

The complete answer is that equity—and more than equity—has already been done. California, Louisiana, and Texas have been permitted to keep all the many millions they received through their unlawful trespasses on Government property. The Government did not ask, as would be done in the case of private controversies, that the owner be reimbursed for the losses sustained. Moreover, the United States agreed to ratify and confirm existing leases in the marginal sea held by the States' lessees or assignees, an agreement which involved enormous losses for the United States, because the States retained all the down payments, or bonuses, paid for such leases.

So these unsound reasons have no basis. And without them, there is not a shadow of a pretense that any justifiable ground exists for stripping the United States of its natural resources in the submerged lands of the marginal sea.

II. THE VALUE OF OFFSHORE MINERAL RESOURCES

One of the reasons why the giveaway legislation has not been more vigorously opposed in the past has been that most people have not realized the tremendous value of the oil and gas resources on the Continental Shelf. In fact, some supporters of the legislation have displayed an understandable interest in underestimating the great wealth that would be given away under their proposals—or in obscuring it behind a smokescreen of complicated legal disputation.

OIL

The estimated potential reserves of our offshore oil resources in the Continental Shelf lying seaward of the coasts of California, Louisiana, and Texas is a little more than 15 billion barrels.

This figure can be compared with the 33.7 billion barrels of proved reserves for the upland area within the United States as a whole. It is 45 percent of the estimated proved reserves.

Both these estimates are set forth in the table entitled "Estimated Proved and Potential Petroleum Reserves," prepared by the Department of the Interior and printed in the minority report.

The total value of the 15 billion barrels of oil at the current price of about $2.65 per barrel is about $40 billion.

It should also be kept in mind that there are probably vast oil reserves in the Continental Shelf off the coast of Alaska. The total area of the shelf off Alaska is estimated to contain 600,000 square miles, more than twice the 290,000 square miles in the Continental Shelf off the United States itself. An estimate of the United States Geological Survey, based upon the studies of L. G. Weeks for the American Association of Geologists, suggests that in the case of Alaska "the reserve estimate would be 23.6 billion barrels." This would bring the total estimate up from 15 billion barrels to 38.6 billion barrels.

When Alaskan reserves are included, the total estimate rises from 15 billion barrels to 38.6 billion barrels. At the current prices, the total offshore potential reserves would thus be worth not $40 billion, but over $102 billion.

GAS

The estimated potential reserves of gas in the offshore lands amount to 68.5 trillion cubic feet. This is more than one-third of the proved reserves of 196 trillion cubic feet within the land area

of the United States. At an average of 15 cents per thousand cubic feet the total value of the potential gas reserves in the Continental Shelf amounts to a little more than $10 billion.

OTHER MINERALS

There is no reason to believe that oil and gas are the only mineral resources in the offshore lands.

Geologists have already found sulfur in the offshore lands off the coast of Texas. The October 1952 report of Texas geologists and engineers estimates 120 million long tons of sulfur at a price of $25 per long ton. The sulfur reserves alone would be worth more than $3 billion.

As the offshore resources are developed during the coming years, it is highly likely that other valuable minerals will also be discovered in sizable quantities.

POTENTIAL REVENUES

As already indicated, the value of oil and gas resources in the offshore area can be conservatively estimated at $40 billion and $10 billion, respectively—or a total of $50 billion.

If royalties are estimated at 12½ percent—also a bare minimum figure—the potential revenues from these $50 billion worth of assets will be $6.25 billion.

This sum is practically equivalent to the total annual interest paid each year on the national debt.

These estimates, however, are extremely conservative. They do not take into account the value of either Alaskan reserves or sulfur reserves or any other things of value that may be found, such as uranium. They assume prices no higher than the present prices. Moreover, they do not take into account the estimates contained in the October 1952 report of the Texas geologists and engineers.

A summary of the Texas report appeared in the Houston Post of Sunday, October 26, 1952. According to this group of experts:

> The submerged lands off the shore of Texas are reported to hold gas, oil, and sulfur worth an estimated $80 billion.

The inclusion of any of these additional considerations would add substantially to the $6.25 billion estimate of royalties. With Alaskan reserves included, with price increases assumed, and with a $3 billion estimate for sulfur included, the total value would be $186 billion. At the rate of 12½ percent, royalties on this amount would be more than $23 billion.

REVENUES ALREADY ACCRUED

Even though the development of offshore resources has thus far proceeded at a snail's pace because of the submerged lands controversy, substantial revenues have already accrued since the Supreme Court upheld the rights of the Federal Government.

For example, the offshore oil deposits along the California coast have produced revenues aggregating more than $47.3 million since the case against California was decided favorably to the United States in 1947.

The revenues derived from the continental shelf lands off Louisiana and Texas have aggregated approximately 15 million dollars and half a million dollars, respectively, since the cases against Louisiana and Texas were decided in 1950.

Thus, a grand total of approximately $62.8 million, derived from the submerged lands of the Continental Shelf, is awaiting disposition either to the Federal Government or to the three States at the present time. A little more than $27 million of this amount has been impounded by the State of California. A little more than $35 million is held in escrow by the United States.

III. THE GIVEAWAY LEGISLATION WOULD WEAKEN THE SECURITY OF THE UNITED STATES

The Continental Shelf is a vitally needed oil reserve. The potential oil reserves of the submerged-land areas represent one of the richest accessible sources of supply susceptible to exploratory development. The Materials Policy Commission recommended "that the Federal Government encourage immediate exploration for oil on publicly owned offshore lands; that leases to private companies, whether by the Federal Government or the States, contain provisions requiring well spacing or withdrawal rates calculated to increase the normal life of the pools with a view to providing faster withdrawals if ever such action is required to meet the needs of war"—Materials Policy Commission report, volume 1, chapter 17, page 110, column 2.

The urgency of discovering and bringing oil resources to the point of production in case of emergency may well make it advisable for our Government to start that work at once. But it would certainly be folly for the United States to dispossess itself—to quitclaim away—of a vital resource to which its legal title has been upheld by the highest Court in the land, without first being completely assured that its retention is not essential to any potential defense emergency.

GIVEAWAY LEGISLATION NEGLECTS DEVELOPMENT OF OIL OUTSIDE THE SO-CALLED HISTORIC STATE BOUNDARIES

Senate Joint Resolution 13 provides in section 9, as follows:

> Nothing in this joint resolution shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 hereof, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed.

Yet Senate Joint Resolution 13 provides no program for the development of that portion of the Continental Shelf lying seaward of State boundaries, whatever they may happen to be. Of the total estimated oil reserve in the entire Continental Shelf, it is estimated that 80 percent is located seaward from the areas claimed by the States to be within their historic boundaries. No administrative machinery is established to govern the development of these vital reserves either by the Federal Government or by the coastal States. Failure to provide for the overall development of the entire Continental Shelf will seriously jeopardize the necessary expansion of our production potential essential for national defense.

GIVEAWAY LEGISLATION WOULD RETARD THE DEVELOPMENT OF OIL WITHIN THE SO-CALLED HISTORIC BOUNDARIES OF THE COASTAL STATES

Clouded issues would foster endless litigation. The majority apparently are of the opinion that passage of Senate Joint Resolution 13 will operate to terminate legal controversy as to allow full-scale development of submerged lands within so-called historical boundaries of States. Such is far from true. On the contrary, passage of Senate Joint Resolution 13 will result in endless litigation.

Senate Joint Resolution 13 makes no attempt to identify the physical location of such State boundaries, other than to provide that they be such as existed at the time a State entered the Union or such as might have heretofore been or hereafter be approved by Congress. Under the provisions of Senate Joint Resolution 13, it would be practically impossible to determine whether any given point lies within or without the area in which this resolution attempts to vest title in the States. The oil industry will thus be reluctant to lease and develop any specific area when doubt exists whether the area to be covered by the lease is under Federal or State jurisdiction. Such doubt will not contribute to orderly development of the submerged-land oil resources.

IV. THE GIVEAWAY LEGISLATION WOULD ENCOURAGE EXTRAVAGANT BOUNDARY CLAIMS OF RUSSIA AND OTHER NATIONS

Only a few days ago, a small group of Republican Senators shocked the country by their attack upon the man whom President Eisenhower had nominated as Ambassador to Russia.

Today, a much larger group of Republican Senators, with the blessing of the Senate Republican policy committee, is planning another, and a much more serious, attack upon the foreign policy of the new administration.

On repeated occasions, representatives of our new Secretary of State, John Foster Dulles, have warned Congress against offshore oil legislation which tries to give certain States boundaries beyond the 3-mile limit.

Yet, the oil giveaway proposed legislation, which has just been reported by the majority of the Senate Interior Committee, tries to extend the boundaries of certain States to so-called historic limits, far beyond the 3-mile limit.

The proponents of this legislation aim to transfer to the three States of California, Texas, and Louisiana control of the rich oil reserves off our coasts, oil reserves which belong to the people of all the States.

Yet, in their eagerness to give away these rich resources, they have turned a deaf ear to the repeated pleas of the Department of State.

The Soviet Union today claims a strip of territorial sea extending 12 miles from its shores. The United States' position has been to refuse to recognize any claim that goes beyond the 3-mile limit. The State Department has written to the Senate Interior Committee, as follows:

> If this Government were to abandon its position on the 3-mile limit it would perforce abandon any ground for protest against claims of foreign States to greater breadths

of territorial waters. * * * Hence a realistic appraisal of the situation would seem to indicate that this Government should adhere to the 3-mile limit (letter of March 4, 1953, from Assistant Secretary of State Thruston B. Morton to the chairman of the Senate Committee on Interior and Insular Affairs).

It would be a tragic mistake at this critical stage in world history if the Republican majority of the United States Senate were to undermine the position of our Secretary of State, who is attempting to maintain our historic policy of freedom of the high seas for our naval, merchant marine, and fishing vessels.

V. THE GIVEAWAY LEGISLATION WOULD HALT THE GOVERNMENT'S PUBLIC POWER PROGRAM

Subsection (a) of section 6 of this measure declares, in effect, that the Federal Government's power under the commerce clause of the Constitution—article 1, section 8, clause 3—shall not be deemed to include the right to use lands beneath navigable waters.

If this provision should be enacted, it would—assuming its constitutionality—halt the Government's program for the multiple-purpose development of the water resources of the Nation's navigable rivers in order to improve navigation, control floods, impound water for the irrigation of arid lands, and generate electric power for agricultural, industrial, and domestic uses.

The development by the Federal Government of the water resources in our navigable rivers for the purposes previously mentioned—a program that is vital to the prosperity and welfare of the Western States and is also highly important to other parts of the country—is carried on pursuant to the Government's "great and absolute" power under the commerce clause of the Constitution.

That constitutional power includes the right to use the beds of navigable rivers as sites for the dams and other structures that are needed for the furtherance of the multiple-purpose program of water resources development, even though the legal title to such submerged lands is vested in the States through which the navigable rivers run.

The legal title of the owner of the bed of a navigable river is servient to the right of the Government to use the bed of the stream for structures incident to the exercise by the Government of its power under the commerce clause of the Constitution.

Therefore, in declaring that the Federal Government's power under the commerce clause of the Constitution shall not hereafter be deemed to include the right to use the beds of navigable rivers, this measure undertakes to reverse the Supreme Court with respect to a well-established principle of constitutional law, and thereby to halt the Federal Government's multiple-purpose program of water resources development for navigation, flood control, irrigation, and electric power. Obviously, that program cannot be carried forward unless the Government can use the beds of navigable rivers for the dams and other structures essential to it.

In this connection I would like to read a letter which I have recently addressed to the Secretary of the Interior on this subject:

MARCH 31, 1953.

The Honorable DOUGLAS MCKAY,
Secretary of the Interior,
Washington, D. C.

DEAR MR. SECRETARY: I am writing for the purpose of calling your attention to certain provisions in the proposed offshore oil legislation (S. J. Res. 13, as reported from the Senate Committee on Interior and Insular Affairs) which would halt the Federal Government's program of developing our Nation's water resources for electric power, flood control, irrigation, and navigation. The provisions I am referring to consist of a few harmless looking words buried in section 6 (a) of the bill (pp. 18 and 19).

But, although they look harmless at first glance, a closer examination indicates that they would strip the United States of its right to use the beds of navigable streams as sites for dams. In effect, this language says that the Federal Government's power under the commerce clause of the Constitution shall from this time on be construed as not including the right to use the beds of navigable rivers.

This, it would seem, would have the effect of reversing a long series of Supreme Court decisons which have held that even though the States hold the legal title to the beds of navigable rivers the Federal Government has the right to use the riverbeds for the building of dams.

Of course, section 3 (d) of the "oil giveaway" legislation says that nothing in the joint resolution shall affect the development of "said lands and waters for the purposes of navigation or flood control or the production of power * * *" (p. 16).

When these two sections are read together, what they say is this: "The Federal Government can go right ahead with the multiple-purpose development of our rivers just so long as it does not rest any dams upon the bed of a river."

I should therefore like to inquire whether your engineers and other experts have yet developed a method of building a dam across a river without allowing it to touch the riverbed.

I should also like to inquire whether (1) you or any representative of the Department of the Interior recommend this language in section 6 (a) of Senate Joint Resolution 13 or were consulted upon it, and (2) you find it acceptable as it now stands.

Sincerely yours,

JAMES E. MURRAY.

I am eagerly awaiting Secretary McKay's reply.

VI. THE GIVEAWAY LEGISLATION WOULD IMPERIL THE UNITED STATES FISHING INDUSTRY

Legislation proposing to convey offshore oil resources to the several States by quitclaiming all rights within so-called historic boundaries constitutes a multiple threat to the United States fishing industry.

An example of how United States fisheries can be affected by any divergency or presumed divergence from the 3-mile rule is the recent action taken by Mexican authorities in seizing United States shrimp boats.

Our Government must insist on the rights of United States fishermen to follow the traditional practice of obtaining fish or crustaceans from the high seas beyond the 3-mile zone wherever they may find them.

But such insistence will be difficult and final results uncertain if the Congress extends the territorial waters of 3 States to 10½ miles seaward beyond the low-tide line. How can our diplomats with good grace argue for adherence to the 3-mile limit by other nations while bound to a 10½-mile rule in waters adjacent to several American States?

VII. THE GIVEAWAY LEGISLATION WOULD SET OFF A CHAIN REACTION OF OTHER GIVEAWAYS OF THE PUBLIC DOMAIN

Offshore oil cannot be considered as an isolated case. Many special interests are pressuring for the Federal Government to give away the offshore resources even though they have no direct interest in the coastal States or in oil alone. These are special interests who frankly see it as a first step in reversing a historic policy of public domain. Once we give away oil, the door is open to every special interest greedy for the Nation's wealth.

In the first half of the 20th century a great fight has been waged and won. The fight established the principle that the natural riches of our continent belonged to all the people. The victory had two aspects—a reversal of the wasteful exploitation that had seriously depleted the resources of the land and affirmation that benefits from the natural riches be distributed fairly among all our citizens.

We are involved in that very battle here. Offshore oil is a precious commodity, still unexploited, but limited in amount. The same is true of the natural gas beneath the sea waters. Carefully regulated extraction will make those treasures last longer and save great quantities from total dissipation through careless methods. As a nation, we learned the conservation lesson the hard way after losing many of our most precious resources.

No provision whatever is made under the "give-away" measure for uniform, in fact for any protective regulation at all, of oil and gas extraction. We may be reminded what serious results this irresponsible attitude can bring by reviewing the sad lessons of our other resources. Before permitting the first step to be taken in giving over public wealth to special interests, it would be well for all to understand the meaning of the people's stake in our natural wealth.

One hundred and sixty million people own some 409 million acres of land in this country—just under one-fourth of our national area—and about 360 million acres in Alaska. The value of this land has been estimated at well over a trillion dollars.

LANDS HELD IN PUBLIC TRUST TO SAVE THE BASIS OF OUR WEALTH

First let us remember just why we own this land, what the situation was when we allowed our natural riches to waste with startling rapidity by those who grabbed, spoiled, and ran.

By the turn of the century, for example, 800 million acres of original virgin forest had been reduced to 200 million. Erosion and rape of mineral resources were the rule. To deal with the drastic situation, Republican President Theodore Roosevelt set up an Inland Waterways Commission which reported to him in May 1907:

Hitherto our national policy has been one of almost unrestricted disposal of natural resources. * * * Three consequences have ensued:

(1) The unprecedented consumption of natural resources.

(2) Exhaustion of these resources, to the extent that a large part of our available public lands have passed into great estates or corporate interests.

(3) Unequaled opportunity for private monopoly.

A year later President Theodore Roosevelt convened the governors of the States and said to them:

The occasion for meeting lies in the fact that the natural resources of our country are in danger of exhaustion if we permit the old wasteful methods of exploiting them longer to continue.

We are coming to recognize as never before the right of the Nation to guard its own future in the essential matter of natural resources. In the past we have admitted the right of the individual to injure the future of the Republic for his own present profit. This time has come for a change. As a people we have the right and duty * * * to protect ourselves and our children against the wasteful development of our natural resources.

This was no dictation, no Federal mandate. The governors of the States themselves, realizing the seriousness of the depletion of our resources and their own inability to cope, issued at that time a declaration asking for help from the United States Government. They declared:

We agree that the sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated. We declare the conviction that in the use of the natural resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties * * *.

We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy. We recommend the enactment of laws looking to the prevention of waste in the mining and extraction of coal, oil, gas, and other minerals with a view to their wise conservation for the use of the people and to the protection of human life in the mines.

Let us conserve the foundations of our prosperity. Let us today recall what might again come to pass, what once did come to pass when in 1908 all the States had to plead for a united policy against the loss of the basis of our national wealth. Let us guard against ill-considered inroads of our public lands. Let us not permit a few men in a hurry to persuade leaders from all the States to reverse a policy of conservation their own governors once requested with such urgency.

PUBLIC LANDS SERVE ALL THE PEOPLE

Forest lands: There are about 160 million acres of national forest in the continental United States. An additional 20 million acres are located in Alaska. There are about one-fourth of all forest lands today. Instead of the waste that cut our virgin forests down to one-fourth in the early years of our Republic, we now have regulations that keep the land regularly reforested; as trees are cut down others must be planted. Moreover, the Federal Government puts up large sums of money to build access roads for protection of these deep forests, which in turn permits small timber companies to share in the cutting, while the Government is repaid from their fees. Our cutting and replanting and access policies are improved, but nowhere near what they should be.

Grazing lands: Some 230 million acres or about half of our continental Government-owned lands serve for crop grazing. Regulations as to numbers of animals and seasonal directives preserve this land for continued good grazing. Constant rehabilitation preventing erosion, drought, and so forth, maintains this land in good order for the benefit of all cattlemen, large and small.

Minerals: In the early part of the century Republican President William Howard Taft established a Bureau of Mines and withdrew from public sale considerable area of oil, coal, and timberland. This began a policy that, in contrast to the overcentralized development of the coal mines in the hands of a few big interests, soon put under Federal regulation great values of minerals. It is estimated that today the Federal Government owns 111 trillion cubic feet of gas, 324 billion tons of coal, 4 billion barrels of oil, and 130 billion barrels of oil in the form of shale. Such fuels must last us forever, and by regulation they are extracted with care from the earth. It was with luck we discovered that priceless uranium existed on public lands. No one would ask that all benefits of uranium, vital in atomic production, be turned over to special interests.

Power projects: The Federal Government has put to work vast sums in harnessing power from the natural forces of our continent. Some $3¼ billion of Federal money, $600 million of this in the Tennessee Valley Authority, is invested in power projects and irrigation plants. Millions of acres of productive farmland, reclaimed grazing land, hundreds of millions of dollars worth of productive decentralized private industrial enterprise have resulted from these great projects that no private wealth could have underwritten. The all-important preference clause assures the widespread distribution of the benefits of these public investments by giving the first chance to the organizations that serve the public, such as municipalities, Navy installations, rural-electric co-ops. The great atomic plants at Hanford and Oak Ridge were possible only with the power made available by public projects. Is the job finished?

The facts give little backing to those who say that public domain may have been necessary once, but is no longer necessary. The truth is we are still short of many vital resources, and looking to future increasing needs, we must save many resources from imminent depletion. Vast sums will be needed as in the past; private sources cannot supply them all.

(a) We are facing a serious wood shortage. Industrial demands require almost double the current supply, and yet we are already overcutting our forest lands. The Materials Policy Commission report of 1952 estimated that replanting and woodland management for the near future ought to have an additional public annual investment of $77 million plus a capital investment of $360 million.

(b) We are facing crop shortages. The Materials Policy Commission estimated that by 1975 we shall need 42 percent more produce from the land than in 1950. Some 115 million acres of cropland are going to be lost to us in another decade from erosion; this is about one-fourth of our potential good cropland. Another 115 million acres need treatment within the next 3 decades. Investment of some $7 billion is needed here in the next 30 years.

(c) We need more meat. Our meat-eating population is expanding rapidly. Cropland of perhaps 100 million acres is already lost, but with the investment of perhaps $1 billion over the next decade, may be saved for good pastureland. We must drain swampland, prevent incipient dustbowls, to keep and expand pastureland for meat animals.

(d) We are short of energy. Our demands for fuel and electricity are increasing so rapidly that the Materials Policy Commission estimated that the 1950 supply would need to double by 1975. Today we are already net importers of oil. Our kilowatt potential of hydroelectric energy lies somewhere between 60 million kilowatts and 105 million kilowatts. Tremendous investment must be made to raise us from the position of less than 15 million kilowatts today. The cheapest developments have been built; those to be built will cost more. Our situation is urgent. We must conserve and expand all sources of energy.

WHO IS AFTER THE PUBLIC DOMAIN?

The public domain is not sacrosanct. Only as long as the people are deriving benefits should lands and material remain in the hands of the Federal Government. What is important is that special interests do not make inroads in the public domain when the people will stand to lose. But already many special groups are preparing a chain reaction of inroads on valuable public projects; all they await is the giveaway of the offshore oil lands, and they feel the first step has been made away from the policies set by Theodore Roosevelt and William Howard Taft.

First. The electric-power companies are leading the attack against the preference clause; in fact, some are asking that the actual properties be sold to private interests. This would mean that banks, corporations, insurance companies, and wealthy individuals, a tiny percent of all citizens, would get more than 75 percent of property built from the taxes of all the people. They could set their own rates, choose their own customers, and insure no prior right to organizations that represent all the people. We are not in the field of idle threats here. Members of Congress have already made speeches suggesting that great public enterprises such as TVA be turned over to private interests. Few voices, if any from any walk of life in the Tennessee Valley itself, echo this attack against the basis of productivity and progress in the area—which has, indeed, also benefited the whole Nation.

Second. The chambers of commerce are joining the fight to free rangelands. They complain that under Federal regu-

lation designed to save the ranges, the large cattle owners cannot graze their cattle when they please. Associations representing the large woolgrowers and cattle grazers are in the fight which would help the large growers and squeeze out the small-business men. They are asking, not for ownership, but for title in perpetuity to lands they use to advantage but not license today.

Third. Already there is legislation before the Senate asking that all mineral rights be turned over from the United States to individual States.

Fourth. Private forestry interests are making wild attacks on Government policies, claiming that despite the figures of our forests cut to one-fourth of the original size by 1900, President Theodore Roosevelt's aide, Gifford Pinchot, combated a nonexisting forest famine in the States. The prohibitive price of lumber today is indication enough of the extent of our timber shortage.

Fifth. From many sides the special interests cry "socialism." This is nonsense. The policies were initiated by staid Republican Presidents and governors. Even today the benefits from public projects are so great that the Republican 80th Congress renamed Boulder Dam Hoover Dam. Moreover, all manner of private business worth billions of dollars flourishes in our country today on the base of economically distributed natural resources.

OIL IS NO EXCEPTION; IT NEEDS A UNIFORM CONSERVATION PROGRAM

Let us be sure before we give away the public domain for which we fought so hard, that it is no longer needed to serve the people in the two ways in which we agree is to our best national interest: First, conserves and utilizes to advantage the resources of our land, and, second, assures that the benefits of our resources be distributed fairly among all the people.

Offshore oil, taken as an isolated case, demands public care on both scores. First, to prevent waste and hasty overuse, standards must be established. The States provide absolutely no unified set of regulations and standards for the extraction of this wealth. We have no assurance that special interests cannot at some time press through hasty or wasteful methods to despoil the great treasure. Second, and the benefits from offshore oil and gas we all know to be vast. The public has serious need of these benefits. Our deficit is large; we cannot afford the schools our children deserve. There is no reason here to alter our historic policy that the benefits of the natural wealth of the continent be distributed fairly among all the people.

LET US NOT REVERSE THE PROGRESS MADE IN CONSERVATION

If we let offshore oil go, we reverse the few good chapters of our conservation history, and open the door for the attack on our whole public domain.

VII. SINCE IT DOES NOT DEFINE STATE BOUNDARIES IT WOULD PRODUCE ENDLESS LITIGATION OVER THE EXTENT OF THE OIL LANDS WHICH ARE GIVEN TO THE STATES

In our minority report on this legislation the Senator from New Mexico, the Senator from Washington, and I pointed out that Senate Joint Resolution 13 does not refer to historic boundaries. That phrase does not appear anywhere in the resolution. The phrase will undoubtedly be used again and again in debate and in the courts, as "tidelands" was and is being used, for purposes of confusion. Nobody knows what "historic boundaries" really means, or when applicable history started or ended.

We also made the following statement:

> The majority of the committee has rejected the advice of Attorney General Brownell that Senate Joint Resolution 13 include provisions or a map on which a definite line be drawn to mark the seaward boundary of all coastal States. Senate Joint Resolution 13, as reported out of committee, does not do this. The failure to describe boundaries definitely, or to draw the exact lines on a map, invites litigation. Senate Joint Resolution 13 leaves the question as to the extent of State boundaries outside of the 3-mile belt, if there are to be any, in confusion. There must be further legislation to clear up the point, unless the courts find a way to settle it.

During the course of the debate on the floor of the Senate on April 1, our contention concerning the inevitability of endless litigation was greatly strengthened by repeated observations made by the distinguished Senator from Oregon [Mr. CORDON].

At one point in the discussion the distinguished Senator from Alabama [Mr. HILL] asked:

> Is it possible today to know what the historic boundaries of the various coastal States are?

The Senator from Oregon replied that in his opinion in many instances either there will have to be agreement between the United States and the States in question, delimiting or fixing the boundaries, or the boundaries will have to be determined by litigation.

The distinguished Senator from Illinois [Mr. DOUGLAS] then asked what is the legal boundary line of the State of Texas under Senate Joint Resolution 13.

The Senator from Oregon answered this question with his customary frankness—and I quote from page 2621 of the CONGRESSIONAL RECORD of April 1:

> If the Senator wants an answer to that question, he will have to get it from the Supreme Court.

The distinguished Senator from Illinois [Mr. DOUGLAS] then asked a similar question concerning the boundary under Senate Joint Resolution 13 of the State of Florida on the west coast of Florida.

The reply of the distinguished Senator from Oregon reads as follows:

> That question can be determined and should be determined in 1 of 2 ways, either by agreement through a resolution adopted by the Legislature of the State of Florida and by Congress, or by a decision of the Supreme Court of the United States.

In the light of the very helpful observations made by the distinguished Senator from Oregon I believe we can now all agree that no clear limit is established by Senate Joint Resolution 13 on the extent of the oil and gas resources which are given to the State.

This fact completely undermines section 9 of the resolution, which section, in the words of the majority report, "provides that nothing in this act shall affect the rights of the United States to the resources of the Continental Shelf outside State boundaries."

On the face of it section 9 seems to be a very excellent and wise provision. It seems to say that the submerged resources from the Continental Shelf outside of State boundaries "appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed."

But—and here is where the trouble begins—the legislation before us does not attempt to delimit or fix these State boundaries.

The door is left open for subsequent legislation which fixes State boundaries at the outer edge of the Continental Shelf. The door is left open for the development of new theories concerning the boundaries in existence at the time a State entered the Union and for the settlement of such questions in the courts.

But the distinguished Senator from Oregon has suggested that litigation with respect to the seaward boundaries of California, Texas, and Louisiana is to be expected even if the so-called Anderson bill is enacted into law. Let me quote from the statement of the Senator from Oregon on page 2632 of the CONGRESSIONAL RECORD of April 1, 1953:

> Earlier this afternoon question was raised as to where the boundaries of these States may be in the sea. My answer then, which I reiterate now, is that the pending measure does not identify the location of those boundaries. It is not within the philosophy of the joint resolution that they be so identified. If they were so identified, that identification would have no legal effect. The joint resolution leaves that question where it found it.

QUESTION OF BOUNDARY LOCATION LEFT OPEN

> It is the same question, left open here, that must be left open under any situation which can arise or which could have arisen after the pronouncement of the decision in the California case. When the Court in that case set the boundary of the area of paramount interest of the United States as adjoining inland waters, that question was raised. It will remain to be adjudicated if we pass no proposed legislation and if we simply stand on the legal effect of the three decisions in the California case, the Texas case, and the Louisiana case. That question will remain for determination if we pass the so-called Anderson bill. It will remain for determination under any conceivable arrangement by which the State retains its sole ownership and rights under inland waters.
>
> The committee felt that this was a problem which it found unsettled and a problem which it could not legally settle.

Of course, it is probably true that some amount of litigation can be expected on the subject no matter what action is taken by the Congress, but if the legislation composed by the distinguished Senator from New Mexico [Mr. ANDERSON] is adopted, there will be no litigation concerning the dividing line between the lands controlled by the States and the lands controlled by the Federal Government. Under the legislation proposed by the Senator from New Mexico, this question is solved very simply by the maintenance of Federal control. Thus the leaseholders and operators will be

able to proceed confidently with the development of these resources instead of being bogged down in an endless and costly morass of litigation.

It is thus difficult to understand how anyone can legitimately claim that these boundaries questions will be handled in the same way under both the Anderson bill and under Senate Joint Resolution 13. Under the Anderson bill the Federal Government's rights and powers over offshore mineral resources beyond the low tide mark will be maintained no matter what happens to State boundaries. Under Senate Joint Resolution 13 every extension of the State boundary will give a State additional rights and control over the offshore mineral resources. Since the great bulk of these mineral resources lie outside the 3-mile limit the 3 States of Louisiana, Texas, and California will undoubtedly initiate action both through legislation and litigation to extend the boundaries farther and farther out on the Continental Shelf.

This fact is borne out by the very words used by the Attorney General, Mr. Herbert Brownell, in his testimony before the committee. Let me quote from page 926 of the hearings:

> If the statute merely refers in words to "historic boundaries," or in words describes a line beginning at the edge of the States' inland waters or tries to describe in words bays or other characteristics of the coast, unnecessary litigation will almost surely result.

On page 932 he made the following statement:

> We believe instead of trying to do it with words only, which, as you know, would perhaps raise as many questions as it would settle, we would like to see the bill draw an actual line on an actual map, and we believe that it would eliminate an awful lot of future controversy.

Yet we are now told that the Attorney General has changed his opinion.

On April 2 the distinguished Senator from Oregon stated that "with the agreement of the Department of Justice" the idea of drawing the boundary line on a map was abandoned.

The Senator from Oregon went on to explain that the discussion which led to the abandonment of this idea was a personal discussion between himself and the attorney general. He did not indicate that the attorney general had in any way changed his mind on the inevitability of protracted litigation resulting from the failure to draw a precise line.

If anyone has any doubts what the effect of this legislation will be, I should like to refer him to the testimony of Fred LeBlanc, attorney general of the State of Louisiana. This testimony may be found on pages 277 and 278 of the hearings.

The Senator from New Mexico [Mr. ANDERSON] asked the Louisiana attorney general what the boundaries of Louisiana were when Louisiana came into the Union. Mr. LeBlanc answered as follows:

> I am not prepared to answer that question Senator * * * it is a little bit obscure, it has never been officially determined.

And a little later Mr. LeBlanc made the following observation:

> It may well be that if the Senate passes the Holland bill, litigation will have to be resorted to in order to determine exactly the boundaries.

Thus even one of the most ardent proponents of Senate Joint Resolution 13 tells us that passage of this measure will result not in the prompt and orderly development of offshore mineral resources, but in litigation which will impede the development of these resources.

It is therefore my sincere hope that when the Members of the Senate become more familiar with the details of Senate Joint Resolution 13, they will join with the minority of the committee in voting for substitute legislation that will be proposed by the distinguished Senator from New Mexico [Mr. ANDERSON] and by the distinguished Senator from Alabama [Mr. HILL].

At a subsequent time I plan to speak again on the proposed legislation, for the purpose of explaining the great advantages to the Nation that would be derived through the adoption of the substitute measure proposed by the Senator from New Mexico [Mr. ANDERSON] and the amendment proposed by the Senator from Alabama [Mr. HILL].

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

RECESS

Mr. TAFT. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate took a recess until tomorrow, Thursday, April 9, 1953, at 12 o'clock meridian.

vitalize one another, and thus strengthen the framework of democratic politics.

A commission on intergovernmental relations is the logical first step in a program of activating local government, for such a program requires careful study. I want to commend the President once again for his advocacy of such a commission. It is a badly needed beginning toward the revitalization of local government in America, and thus toward the continued vitality of American politics and American liberties.

Mr. President, I thank the Senator from Illinois for yielding me the time I have taken.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. DOUGLAS. Mr. President, I have prepared the text of what I intend to say this afternoon, and I shall be very glad to give a copy to any Member of the Senate who wishes to follow my remarks. I shall be willing to yield for questions at the end of every main section, but on certain points in my remarks I shall be willing to yield at the end of a subsection. I should like to be permitted to continue while I discuss the subsections and sections, respectively.

WHY I AM AGAINST THE GIVE-AWAY OF FIFTY TO THREE HUNDRED BILLION DOLLARS OF OFFSHORE OIL AND GAS

I. INTRODUCTION

The offshore oil measure (S. J. Res. 13) introduced by the Senator from Florida [Mr. HOLLAND] and now before this body in a slightly modified form is one of the most important ever to come before Congress. It would largely give to the coastal States, and primarily to California, Louisiana, and Texas, the oil and gas rights in the offshore submerged lands which lie seaward from the low-water mark. These are immensely valuable rights which the Supreme Court in three successive cases, namely, the case of United States against California, decided in 1947; then the case of United States against Louisiana, decided in 1950; and the case of United States against Texas, also decided in 1950, has declared are the property of the National Government and of the 159 million people of the country as a whole. Tens of billions and perhaps hundreds of billions of dollars are involved.

And any action which we take in the case of offshore oil and gas is likely to spread. If we give away these resources within the 3- or the 10½-mile limit to the States, we may be quite sure that it will strengthen the movement to give the States and private interests the rest of the Continental Shelf and also to turn over to the States in which they lie and to the lumbermen and cattlemen our national forests, mineral resources, parks, and upland pastures. Close behind these moves will also come the further demand that Federal dams and falling waters should be given to the States.

So we are now engaged in a truly momentous set of decisions. It is a subject upon which mighty interests conflict and feelings run high. Tremendous sums of money are involved. One great political party, the Republican Party, has pledged itself to give these properties to the coastal States. Their candidate for President, General Eisenhower, a very fine gentleman, who won the election, backed up this pledge, and is, I presume, ready to sign the bill before us. This policy, however, was opposed by the candidate of the Democratic Party, my party, Governor Stevenson, as it had been by President Truman with his two vetoes.

With such economic, political, and emotional dynamite lying around, I feared when this debate began that there would be real danger that our discussion upon these issues here in this Chamber might degenerate into personal and group bitterness and might touch off unfortunate explosions. I hope very much that this will not happen.

I wish to say that this danger has been greatly lessened by the three very able and temperate speeches delivered by the senior Senator from Oregon [Mr. CORDON], the senior Senator from Florida [Mr. HOLLAND], and the junior Senator from Texas [Mr. DANIEL]. I think these three gentlemen made extremely able arguments. I disagree with their conclusions; I think they made the most of a very weak case. But they argued in the best traditions of the Senate, with complete absence of personalities, and in splendid temper. I am sure that I speak not only for myself, but for all of us who believe that these rights should be retained by the Nation, when I say that we on our side will do our best by words, by deeds, and by our thoughts to prevent any such personal or group bitterness from arising.

We differ from many Members on this issue, and perhaps from the majority of the Members of this body; and we firmly believe we are in the right, as we hope to demonstrate. But we respect as persons those who differ from us; and we do not question their motives. We believe that these gentlemen have been grievously misled by obiter dicta, or incidental and nongermane remarks, originally made by the Supreme Court in the 1840's, and in later decisions which did not bear upon the real issues which were then under consideration, namely, tidelands and inland waters, and which consequently were not controlling upon future cases dealing with submerged lands under the ocean itself. We not only believe, but we assert, that these have been intellectual errors which they have made in good faith, and they in no wise weaken our faith in them as people.

A famous predecessor of mine from Illinois once declared on the floor of this body that he tipped his rapier with a rose. This is a good beginning, but it is not enough, for a rose-tipped rapier may still mask a poisoned point, and it may be aimed at the body of one's opponent, rather than at his argument. The final result may, therefore, be as envenomed and as deadly as though the peaceful rose were not proffered at the beginning of the duel.

We shall move in no such manner; we shall argue the issues, but we shall not engage in any total war of annihilation with our opponents.

We shall do this for many reasons. In the first place, for prudential purposes, we certainly do not want to destroy the grounds for our working together on other issues upon which we may agree. Men who differ on some issues often agree upon others. We should not let possible cooperation on these other issues be endangered by irrelevant attacks. Secondly, we want to show the people, not only of this country, but of the world, how a representative democracy may discuss, debate, and decide crucial issues upon which there is a sharp conflict of interests, with a maximum of sense and a minimum of bitterness. If we handle this discussion properly therefore it should strengthen democracy, rather than weaken it.

But most of all we want to have this a friendly debate because fundamentally we regard those who differ from us on this issue as friends, and in no sense as enemies, for it is friendship, not mere agreement, which is the true basis of unity and of our Nation, as well as of all religion itself. It is this spirit of friendship and understanding which we wish to promote. It is easy to do this among men whose interests, emotions, and thoughts are similar. It is harder to do it among men whose ideas and interests clash sharply. But if it can be achieved under these conditions, how much greater is the final victory, when mutual respect and friendship are fostered in stony fields?

Now, Mr. President, after this introduction—perhaps too long, but sincere—I wish to turn to the main issues.

II. THE ISSUE IS OFFSHORE OIL AND GAS UNDER THE TERRRITORIAL SEA—NOT THE TIDELANDS OR THE SUBMERGED LANDS UNDER INLAND WATERS

I wish to point out that the issue is offshore oil and gas under the territorial sea; the issue is not the tidelands or the submerged lands under inland waters.

The measure before the Senate has frequently been referred to as the tidelands oil bill. This is a serious misnomer. It has led to great popular confusion, and it has unduly and improperly strengthened the support given to this measure.

Let us get this fact straight from the very start: The issue is not ownership and control of the tidelands proper, nor is it ownership and control of the submerged lands under inland waters. Rather, the issue is as to the ownership and control of the submerged lands which lie under the oceans seaward from the low watermark. This confusion has been very unfortunate. It should be dispelled from the very beginning of this debate, as I sought to do in previous days in my questioning of the Senators from Oregon, Florida, and Texas.

What the advocates of coastal State control have done has been to deceive themselves about the decisions of the Supreme Court prior to the California case of 1947. They have apparently thought that these decisions referred to the submerged lands under the ocean, seaward

from the low watermark; whereas all these prior cases referred either to the tidelands proper or to submerged lands under inland waters, or landward from the low watermark. Here, as I shall later show, the ownership and title of the States had always been affirmed for over a century, ever since the Waddell case, in 1842; and the present Court has properly continued to adhere to these rulings.

With the low watermark on the ocean shore as the dividing line, the Court, from 1947 on, dealt for the first time—and I wish to emphasize that distinction—with the question of who should have paramount rights seaward from this mark. The Court said on three occasions it is the people of the United States as a whole who should have paramount rights there.

What the advocates of State control have been unable or possibly unwilling to see, therefore, is that in the California case the Supreme Court was confronted for the first time with the question of the paramount rights in the submerged lands under the ocean and seaward from the low watermark. The previous cases had dealt, as I have said, only with true tidelands, namely, those washed daily by the tide, between the low watermark and the high watermark, and with submerged lands under inland waters; and the proper precedents which were there established had no application to the new set of problems which were raised in 1947. This basic misinterpretation of previous Court decisions has done a great deal of damage because not only have the leaders in the coastal States deceived themselves, but, in their natural zeal for their case, they have gone out to convert others, and have unfortunately spread this misunderstanding still farther.

It is my hope that the hearings before the Interior and Insular Affairs Committee and the debate on the floor of this body may show to all what the real issues are. When this is done, a better decision will be made and some of the bitterness which has developed in this struggle will disappear, for bitterness thrives on misconceptions, but tends to dissolve in the presence of knowledge.

Now at the risk of further elaboration, but in order to make the issues crystal clear, let me show in detail what are not the issues, and also what they really are.

1. THE ISSUE IS NOT THE TIDELANDS—THEY BELONG TO THE STATES

The Supreme Court has repeatedly ruled that the tidelands proper, or the land which is daily washed by the tides, between the high-water mark and the low-water mark, belong to the States. This opinion was first handed down in 1845 in the celebrated Pollard case.[1]

where the Court ruled that it was the States which owned in trust for their people the land between the low- and high-water marks which was daily covered and uncovered by the tides. The Court held that the States owned this land and that this was not only true of the original States, but also of those who came into the Union later on an equal footing with the original States.

I hold in my hand a copy of the United States Supreme Court reports, to which I make reference in a footnote, which contains the Pollard case, the full title of which is *Pollard's Lessees* v. *Hagen* (3 How. 212 (1845)). The facts in that case are that it involved land in the city of Mobile, originally washed by the tides of the Mobile River and Mobile Bay, which, over a period of years, became filled with alluvial deposits of soil, and therefore was filled land. The Court ruled that it was the State of Alabama and the civil subdivision thereof—not the Federal Government—which owned this former tideland. It involved tidelands on a bay or river, not tidelands on the open sea; and it also involved filled land. I may say that in legal effect the decision in the Pollard case, with respect to tidelands, and possibly a river, adhered to the precedent which had been established 3 years earlier in the Waddell case, dealing with submerged lands in a bay, and therefore it is a continuation of the precedent established by the Waddell case.

The Pollard case has often been misquoted as giving the State and local governments control over the submerged land seaward from the low-water mark. In fact, it did nothing of the kind. In the very able speech of the junior Senator from Texas yesterday he referred to earlier precedents giving to the States dominion, sovereignty over, and ownership of lands under tidewaters on the borders of the sea. That reference appears on page 2825 of the RECORD of yesterday. That is correct. But I desire to call attention to the fact that the Pollard case was confined to tidewaters on the border of the sea; it did not refer to submerged lands seaward from the low water. The issue was confined to the tidelands proper or the strip between the high- and low-water marks and that on an inland waterway, namely, the Mobile River and Mobile Bay. It therefore referred to tidelands and inland waterways and not to the territorial sea.

STATE OWNERSHIP OF TIDELANDS OFTEN AFFIRMED

The decision in the Pollard case was reaffirmed numerous times for the tidelands.[2] Finally in the three successive cases explicitly involving California, Louisiana, and Texas it was also indirectly upheld. I should like to refer to these cases listed in the footnote, namely, Goodtitle against Kibbe, Mumford against Wardwell, Shively against Bowlby, Mann against Tacoma Land Co., Mobile Transportation Co. against Mobile, Port of Seattle against Oregon, and Western Railroad and Borax, Ltd. against Los Angeles. These cases are arranged in these volumes in consecutive order. I submit that every one of them deals with tidelands proper; none of them deals with submerged lands seaward from the low-water mark. I invite the attention of those who doubt that statement to these cases, which are now ready for inspection.

ANDERSON BILL, S. 107, CONFIRMS STATE OWNERSHIP OF TIDELANDS

But it has been complained by supporters of the Holland measure that the rights of the States to the tidelands, though affirmed by the courts, could still be transferred to the Federal Government by statute or might be claimed for the Federal Government in new legal proceedings. Though no bill ever remotely hinted at such a transfer, nevertheless in order to remove all doubts, former Senator O'Mahoney and others of us supporting national control over offshore oil, sponsored an amendment last year, which specifically vested title to the tidelands proper in the States. This amendment was not accepted by the supporters of the Holland bill then before the Senate, giving the offshore oil to the States.

We who are supporting the Anderson bill and the Hill amendment confirming title to the offshore and submerged lands of the territorial sea in the Federal Government, however, have this year renewed the exemption of the tidelands as such from Federal ownership and control and, indeed, of all submerged lands under the inland waters; and we are willing to make definitive as a matter of

[1] *Pollard's Lessee* v. *Hagen* (3 How. 212 (1945)). This case involved land in Mobile which originally was between the high- and the low-water marks and which was later filled by alluvial deposits of soil. The Court in an opinion handed down by Justice McKinley held that these tidelands or filled lands were not the property of the Federal Government but of the States. It is true that the Court in discussing the case used broad language which has led some lawyers to claim that it ruled in favor of granting the States the rights to all submerged lands. But these were obiter dicta or incidental and nongermane remarks not connected with the facts of the case as it was submitted to the Court and hence were in no sense controlling upon future decisions of the Court. That the facts of the case are as I have stated is proved by the summary of Justice McKinley: "The defendants—introduced a witness to prove that the premises in question were covered by the water of the Mobile River at common high tide." The Court permitted the evidence to go to the jury. "It was also in proof on the part of the defendants that at the date of the Spanish Grant to Panton, Leslie & Co. under which they claim the waters of Mobile Bay, at high tide, flowed over what is now Water Street and over about one-third of the lot west of Water Street * * * and that the water continued to overflow Water Street and the premises sued for during all the time up to 1822 or 1823 * * *. The Court charged the jury that if they believed the premises sued for were below usual high-water mark at the time Alabama was admitted into the Union, then the act of Congress and the patent in pursuance thereof could give the plaintiffs no title whether the waters had receded by the labor of man only or by alluvion." It is therefore clear that the lots in question were originally pure tidelands which later became filled land. Furthermore since the tides in question came from the Mobile River, this case also was in line with the principle of State ownership of the tidelands or submerged lands of inland waterways and bays which had been enunciated 3 years earlier in the Waddell case, which I shall discuss in the next section. It did not even involve the tidelands on the open sea.

[2] Other cases which granted paramount rights to the States in the tidelands on rivers and harbors but which did not involve submerged lands seaward from the lower watermark in the open sea are: *Goodtitle* v. *Kibbe* (9 How. 471); *Mumford* v. *Wardwell* (6 Wall. 423); *Shively* v. *Bowlby* (152 U. S. 1); *Mann* v. *Tacoma Land Co.* (153 U. S. 273); *Mobile Transportation Co.* v. *Mobile* (187 U. S. 479); *Port of Seattle* v. *Oregon & W. R. R.* (255 U. S. 56); *Borax, Ltd.* v. *Los Angeles* (296 U. S. 10).

statutory law what has been the firm ruling of the courts. Thus section 2 of the Anderson bill, S. 107, provides that—

the Secretary (of Interior) is authorized, with the approval of the Attorney General of the United States, and upon the application of any lessor or lessee of a mineral lease issued by or under the authority of a State, its political subdivision or grantee, on tidelands or submerged lands beneath navigable inland waters within the boundaries of such State, to certify that the United States does not claim any proprietary interest in such lands or in the mineral deposits within them.

Therefore let there be no more talk of the tidelands being the issue. The issue is the submerged lands seaward from the low-water mark.

2. NOR IS THE ISSUE THE SUBMERGED LANDS UNDERNEATH INLAND WATERWAYS, SUCH AS RIVERS AND EITHER INTERIOR OR BORDER LAKES—THESE BELONG TO THE STATES—THE COURTS ON NUMEROUS OCCASIONS HAVE MADE THIS CRYSTAL CLEAR

The first cases I have found on this point is the famous case of *Martin* v. *Waddell* (U. S. Reports 16, Peters 366 (1842)).

This case—

According to the Supreme Court—

involved the rights to oyster beds on a plot of land, covered with water—

I emphasize the words "covered with water"—

in Raritan Bay in the township of Perth Amboy, in the State of New Jersey. The land claimed lay beneath the navigable waters of the Raritan River and Bay, where the tide ebbs and flows and the principal right in dispute was the property in the oyster fisheries, in the public rivers and bays of east Jersey.

The Supreme Court held that these submerged lands belonged to the State. But this merely affirmed title to the lands underneath rivers and bays, landward from the open sea. It in no sense ruled upon who had property in and dominion over the submerged lands under the territorial sea seaward from the low-water mark. This ruling, so far as submerged lands under bays and harbors were concerned, was in turn reaffirmed numerous times by the Court as indicated by the citations given below.[3] I should like to bring forward these volumes for inspection. These are all cases involving submerged lands under bays and harbors, and, in no case, submerged lands seaward from the low-water mark.

Dealing with later decisions on this and kindred other areas, the Supreme Court in the California case said:

All of the statements were however merely paraphrases of the Pollard inland water rule and were used, not as an enunciation of a new ocean rule but in explanation of the old inland-water principle.

In my opinion a very erroneous piece of literature was issued by a group of State attorneys general—and I have here a list of them—which sought to convey the impression that what the advocates of Federal ownership and control of offshore oil really wanted to do was also to take over the submerged lands beneath the rivers, harbors, and lakes of this country. This argument was dressed up in a handsome booklet which was widely distributed over the country. I have it in my hand. It is entitled "Every State Has Submerged Lands." The subhead is "True reasons why congressional action affirming State ownership of submerged lands is favored" and it then proceeds. The apparent purpose was to persuade the people of the inland States that they should help California, Louisiana, and Texas take the offshore oil in order to protect their own river, harbor, and lake beds from being seized by the wicked Federal Government.

There never was, and there is not now, any such danger. Thus in the opening brief of the Government in the California case, in October 1946, a specific disclaimer on this very point was issued which properly narrowed the issue—and let all note these words:[4]

This suit was instituted for the purpose of establishing the rights of the United States in the bed of that portion of the Pacific Ocean adjacent to the coast of the State of California which lies outside the inland waters of the State and which extends seaward for 3 miles from the low-water mark on the open coast. No claim is here made to any lands under ports, harbors, bays, rivers, lakes, or any other inland waters; nor is claim here made to any so-called tidelands; namely, those lands that are covered and uncovered by the daily flux and reflux of the tides (i. e., those lands lying between the ordinary high- and low-water marks). There are decisions of this Court which appear to hold that titles to the beds of ports, harbors, and other inland waters as well as title to the tidelands reside in the State. The Government does not challenge the results in those decisions. This case is limited strictly to lands within the 3-mile belt on the open sea.

There have been some erroneous statements, I am sure, unintentional, about the attitude of the Federal Government in this case toward basic State control over the submerged lands under harbors, rivers, and lakes. Partial statements by overzealous advocates and wrung out of their context have been quoted.

I am not a lawyer, but I bewail the habit of many lawyers of claiming the sun and, at times, using adjectives and words or partial quotations which do not describe their real attitude or the real position of the parties quoted.

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HILL. Claiming the sun and hoping to get a fragment.

Mr. DOUGLAS. Or claiming the earth and hoping to get a portion of the ground.

Mr. CHAVEZ. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. CHAVEZ. The Senator from Illinois invited attention to the fact that there had been many statements made as to the pending legislation. Personally, I think it would be interesting to the Senate and to the American public if some committee of Congress, in reference to this proposed legislation, would ask the attorneys general of the various States as to whether or not they own stock of companies that are affected by the pending legislation.

Mr. DOUGLAS. I am making no charge.

Mr. CHAVEZ. I know, but I say it would be interesting.

Mr. DOUGLAS. It might be interesting, but I am making no charge.

Mr. FULBRIGHT. Mr. President, will the Senator from Illinois yield on that point?

Mr. DOUGLAS. I yield.

Mr. FULBRIGHT. Three or four years ago the attorney general of Arkansas joined other attorneys general in such a statement, but the legislature, recently meeting in Arkansas, adopted a resolution indorsing the Anderson bill, to which there was little if any opposition.

Mr. DOUGLAS. I thank the Senator from Arkansas. I think there is a great public awakening on this issue. The people are beginning to have the scales removed from their eyes.

Mr. FULBRIGHT. The significance of the statement of the Attorney General some few years ago might well be discounted as being representative of the sentiment or belief of the people of the State.

Mr. DOUGLAS. I thank the Senator from Arkansas and agree with him.

My good friend from Florida [Mr. HOLLAND], on a previous day, and, I believe, perhaps one other Member of the Senate, quoted a sentence from the Government brief in the California case, page 11, which was used to indicate that the Government was challenging the decisions on inland waters. At that time, and the RECORD will so show, I invited attention to the succeeding sentence, which is extremely important, and which I now quote:

The Government does not ask that those cases be overruled—

And I here interject that "those cases" refers to the cases dealing with tidelands and lands under inland waters—

indeed, it suggests that in the interest of clarity and certainty they be reaffirmed herein.

Therefore, in the California case the Government was not asking that the rule on inland waters be reversed; it was asking that it be strengthened and reaffirmed.

But the coastal States and the attorneys general were able to arouse so many false fears and misconceptions that even today large numbers of the businessmen and lawyers of the 28 interior States—but a diminishing number, as the Senator from Arkansas [Mr. FULBRIGHT] has pointed out—believe that in backing the Holland bill they are fighting to defend their river beds and lake bottoms. They would like to think of themselves as modern Horatiis de-

[3] Further cases vesting paramount rights to the States in submerged lands underneath bays and harbors but not under the territorial sea have been: *Smith* v. *Maryland* (18 How. 71); *Weber* v. *Harbor Commissioners* (18 Wall. 57); *United States* v. *Mission Dock Co.* (189 U. S. 391); *Knight* v. *U. S. Land Association* (142 U. S. 161, 183).

[4] Brief for the United States in support of motion for judgment in the Supreme Court of the United States, October term 1946, *United States of America* v. *State of California*, p. 2.

fending their beloved rivers and lakes from Federal theft. They wait, indeed, for some coastal Macaulay to write a lay of modern America which will celebrate their virtues as the English Macaulay celebrated the virtues of the antique defender of the river Tiber, Horatius, against Lars Porsena, in his Lays of Ancient Rome.

But all this is a fallacy, and it is about time the interior States woke up to the way in which they have followed a false trail and have been sold a false bill of goods. The courts are crystal clear about this matter. Thus in a multitude of cases the Supreme Court has ruled that control over the submerged lands underneath navigable rivers is vested in the States. I cite 10 of these cases in a footnote and there may well be others in addition.[5]

I bring forward the volumes containing the 10 cases which are cited in the footnote and pile them up here. Every one of those cases, Mr. President, deals with submerged lands under rivers, not with submerged lands under the open ocean seaward from the low-water mark. I submit the cases for examination.

The Court has, furthermore, dealt specifically with the submerged lands under interior lakes. They have uniformly ruled that the States have ownership of and control over these lands.[6]

I bring forward volumes containing some cases on this point, reserving for discussion the crucial case, the Illinois Central case, for a later time.

Here are seven additional cases, every one of which deals not with submerged lands seaward from the low-water mark but with submerged lands under interior lakes, including the Great Lakes. In all these sets of cases the ruling has been uniform. State ownership has been consistently reaffirmed by the Court.

In the three recent cases involving California, Louisiana, and Texas, they reaffirmed their previous rulings that the lands underneath rivers and lakes, and, indeed, of all navigable inland waterways, belong to the States.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yielded two or three times, and perhaps, from the standpoint of precedent, I should yield at this time to the Senator from Florida, but I should prefer to yield at the end of this section of my statement. If the Senator from Florida wishes to go into this matter at this time, however——

Mr. HOLLAND. No; it is quite all right. I shall wait.

[5] See the following cases: *Derr* v. *Jersey Co.* (15 How. 426); *Barny* v. *Keokuk* (94 U. S. 324); *McCready* v. *Virginia* (94 U. S. 391); *United States* v. *Utah* (283 U. S. 64). Also *County of St. Clair* v. *Lovington* (23 Wall. 46, 68); *Pacher* v. *Bird* (137 U. S. 661); *Water Power Co.* v. *Water Commissioners* (168 U. S. 349, 359–362); *Scott* v. *Lattig* (227 U. S. 229); *Donnelly* v. *United States* (228 U. S. 243, 260); *United States* v. *Chandler Dunbar Co.* (229 U. S. 53, 60–61).

[6] The Illinois Central case is mentioned in the next footnote. For other cases see *McGilvra* v. *Ross* (215 U. S. 70); *United States* v. *Holt Bank* (270 U. S. 49; *Massachusetts* v. *New York* (271 U. S. 65); *Hardin* v. *Jordan* (140 U. S. 371, 381–382); *Hardin* v. *Shedd* (190 U. S. 508, 519); *United States* v. *Oregon* (295 U. S. 1).

Mr. DOUGLAS. Mr. President, there was never any real doubt about this matter, but in order to stop once and for all any possible talk, both the O'Mahoney bill of last year and the Anderson bill of this year have provisions which specifically and by statute vest the ownership of the beds of rivers, lakes, and inland waterways in the respective States. Thus section 9 of the Anderson bill states that—

> The United States hereby asserts that it has no right, title, or interest in or to the lands beneath navigable inland waters within the boundaries of the respective States, but that all such right, title, and interest are vested in the several States or the persons lawfully entitled thereto under the laws of such States or the respective lawful grantees, lessees, or possessors in interest thereof under State authority.

I notice that the Senator from Texas [Mr. DANIEL] is now on the floor. I wish to repeat, so that he may hear it, a statement which I made previously, when he was not on the floor, namely, that I thought his argument yesterday was extremely able and in very fine temper.

OWNERSHIP OF SUBMERGED LAND IN GREAT LAKES ALSO RULED TO BE IN STATES

Let me now deal with the special case of the Great Lakes. This is important, for a strong effort is being made to convince the States which border upon the five Great Lakes, including my own State of Illinois, that unless they support the Holland bill the Federal Government will take away the rights of the States to the submerged lands under them. With all charity to those who are saying this, I wish to say that this is a truly colossal misstatement—unintentional, but a misstatement. I hope the Lake States will not sell for a mess of pottage the rich share of their birthright in offshore oil and gas which they already own.

The Supreme Court has already ruled that the submerged lands under the Great Lakes belong to the bordering States out to the halfway mark or to the International Boundary with our neighbor, Canada. The Court did this first in 1892 in the celebrated Illinois Central Railroad case.[7] The Court then ruled that the States "had dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes." So firm and eternal were these rights that the Court ruled that the State legislature itself could not alienate them by giving them as it tried to do in 1869 to the railroad.

After the Civil War the Republican Party in Illinois, and also in many other States, departed from the high idealism which had characterized its founding, and there were a series of boodle acts passed by Republican legislatures, not only in Illinois but also in other States, which gave away the people's rights. One of those acts gave away to the Illinois Central Railroad submerged lands beneath Lake Michigan up to 12th Street, indeed, to Randolph Street, in the city of Chicago. Not only did the act give the Illinois Central the right to come in on piles, but it gave the railroad submerged lands beneath Lake Michigan.

[7] *Illinois Central Railroad* v. *Illinois* (146 U. S. 387, 433).

After a time the State of Illinois began to recover its breath and sued to invalidate that law. The Illinois Central Railroad resisted the suit very strenuously. The Court, in the Illinois Central case, declared that the legislature could not alienate the trust which had been placed in them with respect to the submerged lands, and it so declared in language which Congress and the administration would do well to note in connection with the momentous matters now before us with respect to submerged lands out into the sea.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. DOUGLAS. If I yield to the Senator from Arkansas, I shall then feel impelled to yield also to the Senator from Florida. I will yield to the Senator from Arkansas; then I will yield to the Senator from Florida, because I wish to be fair.

Mr. FULBRIGHT. I hesitate to interrupt the Senator from Illinois, but, as a matter of record, I should like to mention some of the very generous gifts of public lands made from Washington by a Republican administration; for example, the gift to the Union Pacific Railroad of more than 14 million acres. Altogether, during that period the Republican administration gave away more public land than comprises the entire nation of France.

Mr. DOUGLAS. The Senator from Arkansas is completely correct. Beginning with the administration of General Grant, the Republican Party gave away to railroads extending westward, large areas of the national domain under conditions which, in many cases, smacked of graft and corruption. It gave away public lands and mineral rights, and wasted the public domain. What the Republican legislature in Illinois was doing was merely a pale reflection of what was happening in Washington, but they were doing their best.

It is one of the great tragedies of the country that the Republican Party departed from the idealism of its founders, particularly Abraham Lincoln, and sank into the morass of corruption which marked the administration of General Grant.

Mr. FULBRIGHT. In this joint resolution, its proponents at least have a precedent for this type of action, do they not?

Mr. DOUGLAS. The Senator from Arkansas has made a statement which the Senator from Illinois is reluctant to make. The Senator from Illinois feels that the sponsors of this measure are of infinitely superior quality to the men who sat in the legislative halls during the 1870's.

Mr. FULBRIGHT. The Senator from Illinois may have misunderstood what I meant. I was raising the point of constitutionality; the State of Illinois could not have, if it had wanted to, given away those public lands.

Mr. DOUGLAS. The Senator is correct. The Court so ruled.

Mr. FULBRIGHT. In the case of the United States Government, the United States did give away vast areas of public lands within the interior of the United States, so perhaps the administration has been misled into believing that there

is a precedent, so far as constitutionality is concerned. I thought the Senator from Illinois was making a constitutional argument with respect to the power to alienate lands held in trust.

Mr. DOUGLAS. I was merely touching lightly upon that theme, which I hope to develop at greater length subsequently in my remarks.

Mr. FULBRIGHT. I did not want the Senator from Illinois to overlook the point about the gifts of public lands during the Grant administration.

Mr. DOUGLAS. Mr. President, in all fairness, I now yield to the Senator from Florida.

Mr. HOLLAND. I should have been quite content to wait until the Senator from Illinois had finished his statement, but since a new subject has been brought up by the questions of my distinguished friend, the Senator from Arkansas [Mr. FULBRIGHT], I thought it might be well to ask the Senator from Illinois if it is not true that the Congress of the United States has itself granted to the several States about a quarter of a billion acres of public lands as to which there was no question whatever about the Federal title being a fee simple title. The grants were for such purposes as common schools, which received 98 million acres; other schools, which received 17 million acres; other institutions, which received approximately 4 million acres; railroad construction, which received more than 37 million acres; wagon roads, which received more than 3 million acres; canals, which received more than 6 million acres; miscellaneous improvements, which received more than 7 million acres; swamp reclamation, which received almost 65 million acres; and other purposes, which received more than 6 million acres; comprising a total of 245 million acres, or almost a quarter of a billion acres of lands. As to those lands, the title of the United States was admitted by all, and they have never even been subjected to any court proceedings, because they were known and admitted by all to be Federal lands. Is not that correct?

Mr. DOUGLAS. The Senator is correct.

Mr. HOLLAND. So the point is that there is not only abundant precedent for this joint resolution, which relates to only some 17 million acres of submerged lands offshore of twenty-odd States, and lying within their boundaries, but the question in this case is how to bring those lands into conformity with acts of Congress previously passed, to which I have already referred, which related to almost a quarter of a billion acres, and conveyed that huge acreage to the States. The question is, What is sound public policy in this matter, and is there a question of sound public policy addressed to the judgment and discretion of the Congress which, in the opinion of Congress and based upon these precedents, justifies passage of the joint resolution. Is not that the real question?

Mr. DOUGLAS. I may say to the Senator from Florida that those grants were made to a wide variety of States, to virtually all the States, and for very definite public purposes. They were not grants to only a few States. While it is true, as the Senator from Florida says, that in the case of the joint resolution the grants are to 21 States, in practice we know that the real rights which are sought and which are being conveyed are not the grants to 21 States but to 3, or at the most 4 States, namely, California, Louisiana, Texas, and possibly Florida.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. The Senator from Illinois could not be more inaccurate with respect to both his conclusions. First, I refer to his conclusion with reference to the very large grants indicated in the list from which the Senator from Florida quoted, and which was observed carefully by the Senator from Illinois as the Senator from Florida quoted the various figures. Many of those grants were made to groups of States lesser in number than is the case here. For instance, I refer to the swamp and overflowed land grants of nearly 65 million acres, lands which would greatly transcend in value anything that is known or dreamed about the value of the 17 million acres. The swamp and overflowed land grants were made to only 15 States, as compared with the more than 20 coastal States involved here.

Secondly, I refer to the statement by the Senator from Illinois that this joint resolution relates to 3 States, or at the most to 4. I do not think he could be further wrong than in that statement, because I believe the maps already exhibited here and the known facts as to the areas included show that many of the States have much greater areas involved than have the three States which the Senator mentioned.

I am sure the distinguished Senator from Illinois will have to admit that the values involved in the developments upon built lands, lands which were originally submerged lands in the coastal belt—and I am not talking about inland waters—vastly exceed any possible royalties which would come to the 3 States which are the fortunate possessors of oil deposits in their coastal areas, such 3 States being California, Texas, and Louisiana. As to those three States, and as to all States, the joint resolution is confined to submerged lands lying within State boundaries.

I ask the distinguished Senator if it is not true that the real question in the present debate, the question which is now submitted to the consciences of Senators, and which was recently submitted to the consciences of Members of the House, who voted by a large majority in favor of the claims of the States, is the question, What is the sound public policy with reference to the preservation of democratic government, with reference to the speeding of development, and with reference to the protection of people who have invested immense sums in good faith? What is the sound public policy to be adopted by the Congress of the United States in solving this grave problem? Is not that the real question?

Mr. DOUGLAS. I will say to my good friend from Florida that he has raised quite a series of questions in his long interrogation. I should like to be permitted to reply to some of the points he has made.

In the previous grants of land there were definite public purposes for which the land was granted—for common schools, higher schools, and so forth. Such purposes accounted for the majority of the grants. It is difficult to determine, in connection with the pending measure, any public purpose comparable to those which existed in the cases cited by the Senator from Florida. That is my first point.

Mr. CHAVEZ. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. POTTER in the chair). Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. DOUGLAS. Let me finish, and then I shall be glad to yield.

Secondly, while the Senator from Florida speaks about the 21 coastal States all sharing in the grant of offshore land, as a practical matter we all know that oil and gas are involved and are at the heart of this controversy. The reports and maps of the Geological Survey show that there is virtually no chance of oil and gas being found much north of Florida, or north of a point a few miles beyond the Georgia border. Oil has never been found on the Atlantic seaboard, or east of the Appalachian Mountains. Therefore there is a presumption that there is no oil in the sea off the Atlantic seaboard, north of Florida, or perhaps Brunswick, Ga., just across the line.

Oil has been found in the Mississippi Valley, where formerly there were ocean beds, and in sections of California, where there were formerly ocean beds. Therefore the offshore oil and gas are probably confined to those areas. So while the Senator from Florida may throw in the portion of the Continental Shelf north of Brunswick, Ga., as a practical matter, we know that there is nothing there except possibly kelp off the coast of Maine, and a few other things the taking of which we are willing to permit the States to control anyway, under the Anderson bill, S. 107.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I promised to yield first to the Senator from New Mexico.

Mr. CHAVEZ. Mr. President, I enjoyed and received much benefit from the suggestion made by the Senator from Illinois with reference to the granting of public lands to the individual States. When New Mexico came into the Union as a State in 1912 the Federal Government, for institutional purposes—for schools and other such purposes, as the Senator has suggested—gave the State of New Mexico 13 million acres. I believe a similar grant was made in the case of Arizona.

That was the history of the West. There is no questioning the fact that the Federal Government controlled and owned all the public lands which were not owned in fee simple by individuals or others.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield first to the Senator from Florida.

Mr. HOLLAND. Mr. President, I would like to complete the point I was endeavoring to make. Why is it that the distinguished Senator from Illinois, in emphasizing the existence of oil and gas off three States——

Mr. DOUGLAS. Possibly four, because Florida may get a cut, too.

Mr. HOLLAND. I join in the hope that Florida may discover some oil, but I must say that many millons of dollars have been invested in exploration without any fortunate results, and that the State of Florida is interested in values other than oil and gas.

I am wondering why the distinguished Senator from Illinois so far has neglected—I am sure he has not forgotten—to mention the fact that billions of dollars of actual present value, contributing to the wealth of the several coastal States and the Nation, exists upon the built lands which now are found upon what were formerly submerged lands at the shorelines of the coastal States, and which, in the aggregate, are worth very much more than even the total amount of oil and gas—to say nothing about the royalties therefrom—found in the three States which the Senator has mentioned. Why does the Senator studiously avoid reference to those values, as well as to piers and many other values involved in this question?

Mr. DOUGLAS. In reply to the Senator from Florida, let me say that I have a prepared speech which is 52 pages long. I have covered only 8 pages. If the Senator from Florida will content himself for the time being and allow me to proceed, I assure him that I will deal with the question of filled land—past, present, and future.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I promised to yield to the Senator from Alabama [Mr. HILL].

Mr. HILL. Mr. President, the Senator from Illinois referred to the Illinois case a few minutes ago. In the Illinois case the court denied that Illinois could dispose of certain land to the Illinois Central Railroad. Is not that true?

Mr. DOUGLAS. That is correct.

Mr. HILL. With respect to the land to which the distinguished Senator from Florida [Mr. HOLLAND] has referred, the Government had what we ordinarily call proprietary ownership. There is no question about the Government's ability to dispose of that land, to give it away, sell it, or do whatever it wishes to do with it. But so far as the submerged lands are concerned, is there not some question? The basis of the Court's decision was that because of its external national sovereignty the Government has paramount rights in that land.

Mr. DOUGLAS. That is correct.

Mr. HILL. Many lawyers feel that the Court would not permit the Federal Government to dispose of the submerged lands just as the Court would not permit the State of Illinois to dispose of certain land under Lake Michigan. Is not that true?

Mr. DOUGLAS. I intend to suggest that later. In order to establish that fact, I should like to read the opinion of the Court on this very point. The Court said in the Illinois Central case:

> The State can no more abdicate its trust over property in which the whole people are interested like navigable waters and soils under them * * * than it can abdicate its police powers in the administration of government and the preservation of the peace.

The Court thus not only saved what is now the south lakefront of Chicago for the people but it also made it clear that the people of Illinois [*] and of other States bordering upon the Great Lakes owned the submerged lands under them out to the halfway mark or the international boundary line.

If the Senator from Florida and the Senator from New York will wait a moment, I wish to say that this decision of the United States Supreme Court in the Illinois Central case was followed up by two decisions of the Illinois Supreme Court which confirmed these decisions, so far as the North Shore of Chicago is concerned. And had it not been for all these decisions, particularly for the leading decision, we would have had no lakefront for the general public in Chicago. We now have a magnificent lakefront, and we invite the Senator from Florida and the Senator from Texas to come and inspect it, under happier circumstances for them than were present last summer. These decisions really saved this land, which was filled land, and which otherwise would have belonged to the railroad. They were likewise clear in upholding the ownership of the State.

I yield now to the Senator from New York.

Mr. LEHMAN. Mr. President, I merely wish to make a brief observation. The Senator from Florida has discussed the development along the shores and along the inland waterways of the country to the valuation of many billions of dollars. I am not a lawyer, and I cannot refer to legal opinions, and I am not familiar with conditions save in my own State of New York, but I can say to the Senator from Florida that it is true that there have been billions of dollars expended along the shores and down to low tide. There have been many hundreds of millions of dollars of improvements made on our inland waterways, our lakes, and our rivers, but I do not recall a single instance where there has ever been a question raised with regard to either the title, the ownership, or the dominion over those improvements.

Mr. DOUGLAS. Mr. President, permit me to say to the Senator from New York that I should like to deal with the question of filled lands separately. At present we are dealing with submerged lands in the Great Lakes, and the question of the filled lands is a separate issue. I can see my two friends straining at the leash, anxious to get at each other, but I hope we can postpone their struggle until we come to the discussion of filled lands.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the Senator for a question, but not about filled lands.

Mr. HOLLAND. The Senator from Florida appreciates the reference to his distinguished friend, and would like to feel that he was so energetic in this matter as to be, as it were, straining at a leash, but he does not feel quite like that about the matter.

Mr. DOUGLAS. There was no canine allusion intended. [Laughter.]

Mr. HOLLAND. I thank the distinguished Senator. The very point I desired to bring out was that the bill referred to as the "Anderson bill," which is supported by the distinguished Senator from Illinois, does grant to the coastal States the multibillion dollar developments upon the filled lands extending into the sea, in the coastal regions of the coastal States.

Mr. DOUGLAS. Yes; but I shall postpone the discussion of that now.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. On the subject matter I have been discussing; yes.

Mr. DANIEL. The Senator from Illinois will admit, will he not, that the Federal Government is claiming all of the submerged lands seaward of the low tide within the boundaries of all the 21 coastal States?

Mr. DOUGLAS. The Federal Government is claiming paramount rights—not only claiming, but has been given by the Supreme Court paramount rights—in the submerged lands seaward from the low-water mark, although in some cases the States have claimed police powers out to the boundaries in those seas, and the Court in fishing cases has ruled that where there is no contradictory Federal legislation, the States may exercise these police powers. But the States have never owned or had title in the submerged lands seaward from the low-water mark, even though they have claimed for police powers boundaries out to sea.

Mr. DANIEL. My question was meant to be whether or not the claim is applicable, not just to 4 States, but to all of the 21 coastal States.

Mr. DOUGLAS. That is correct, but in practical effect, the real question is as to oil, gas, and to a limited degree sulfur, which is confined, according to geologists, to the Gulf of Mexico and the lower portion of California.

Mr. DANIEL. Can the Senator from Illinois assure the Senate that there are not other valuable minerals beneath the marginal belts of all the coastal States?

Mr. DOUGLAS. The Senator from Illinois does not have the slightest belief that he is God Almighty. Other deposits may be found, but so far as he can tell, the real issue is oil and gas, and in practice that is confined to the Gulf of Mexico and southern California.

Mr. DANIEL. Mr. President, will the Senator yield for another question?

Mr. DOUGLAS. Certainly.

Mr. DANIEL. Does the Senator know that the State of Maine has more acreage under lease for the production and gathering of kelp, a weed from which iodine is made, than the State of Texas has under lease for the production of oil and gas?

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[*] For State decisions affirming the principles of the Illinois Central case to the submerged lands on the Chicago North Shore see *The People* v. *Kirk* (162 Ill. 138); *Revell* v. *The People* (177 Ill. 468).

Mr. DOUGLAS. My ancestors, I do not know whether in a wary or an unwary moment, left the Massachusetts Bay Colony about 1740 and moved northward to make a frugal living on the coast of Maine, near what is now called the town of Harpswell. So, for perhaps two centuries my ancestors helped to gather kelp, and, therefore, I am well acquainted with the kelp situation in the State of Maine. I point out the Anderson bill, S. 107, would give to the States all rights to control the taking of kelp. We are not practicularly interested in kelp, or shrimp, or oysters; those are sideshows. The question is as to oil and gas.

Mr. DANIEL. Will the Senator yield for one last question?

Mr. DOUGLAS. Certainly.

Mr. DANIEL. In other words, the Senator is willing to let all the States with submerged lands have all these tremendous values they possess in the way of kelp and gold and copper and sand and gravel and all the other minerals except the four States whose principal resource happens to be oil.

Mr. DOUGLAS. I do not believe the State of Maine will become unduly rich from gathering the kelp off the coast, nor do I believe huge fortunes will be made in the sand and gravel. Nor at present has there been any great success in the extraction of gold from sea water, but there are enormous rights under the surface of the marginal sea in oil and gas, as I shall shortly show.

Mr. DANIEL. I should like to ask another question, though I do not like to intrude on the Senator's time.

Mr. DOUGLAS. I am delighted to yield to the Senator.

Mr. DANIEL. Since the Senator has brought up the matter of values, and intimated that the present values in the sea water of the coastal States might be more than the natural resources in the other States, I should like to ask the Senator whether he believes that the value in dollars and cents should be the determining factor as to what is right and just to the States which have been claiming this property in good faith for over a hundred years.

Mr. DOUGLAS. I remember a decision of the United States Supreme Court, I believe in 1915, in a case involving a 10-hour law for women in the State of California, in which Justice Hughes, who was then a member of the court, said that it was not necessary for law to be universal in its application, that it could still be just and yet have only a partial application. The administrative difficulties of the Federal Government in dealing with sand and gravel, kelp, and the like, are so great that it would be foolish for the Federal Government to take jurisdiction over these resources of the sea. But when we come to oil and gas, there is something that can be administered, because the exploration, development and sales, of necessity, must be large, and the amounts extracted large.

Mr. HILL. Mr. President, will the Senator from Illinois yield to me?

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from Illinois yield to the Senator from Alabama?

Mr. DOUGLAS. I yield.

Mr. HILL. Is it not true that today when we get into the field of oil, we get into a field that pertains to the national defense?

Mr. DOUGLAS. I wish to thank the Senator from Alabama for very excellent backstopping of my argument. That is a further consideration emphasizing the importance of oil.

Mr. President, there is really no question about where the ownership of the lands under the Great Lakes lies. I wish to say to the Senator from Texas that later today I shall deal with his argument of yesterday, namely, that so far as the Great Lakes are concerned, the law applicable to them is derived from the law of the territorial seas. I have not forgotten that argument.

ANDERSON BILL, S. 107, ALSO CONFIRMS STATE OWNERSHIP OF SUBMERGED LANDS IN GREAT LAKES

I do not think I shall take it up for the moment. But to remove all possible grounds for the most captious arguments, the Anderson bill specifically provides in section 18 that the Great Lakes are included in those inland waters whose submerged lands are vested in the States. Thus the term "inland waters" is defined to include "the waters of lakes, including Lakes Superior, Michigan, Huron, Erie, and Ontario to the extent that they are within the boundaries of a State of the United States." There should, therefore, be no excuse for the eight States adjoining the Great Lakes to favor giving the offshore oil to the coastal States in order to protect their own rights to the bottoms and beds of the Great Lakes.

Mr. President, if the Senator from Michigan and the Senator from Minnesota will forgive me for making a personal reference—which I shall do at this time, since I see them in the Chamber—I should like to call the following fact to their attention, in the clearest tones I can use: The Anderson bill, Senate bill 107, and the other Anderson bill, Senate bill 1252, specifically confirm and recognize as vested in the States title to the submerged lands under the Great Lakes. If these distinguished Senators are fearful about the rights of their States—I do not think they need to be, but if they are fearful about them—then I suggest to them and to other Senators from that area that they support one or the other of the Anderson bills, and that they do not need to support the so-called Holland bill in order to attain their objective.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. Certainly.

Mr. DANIEL. Does the Senator from Illinois think it is fair to support the Anderson bill, which would confirm or restore to the Great Lakes States, according to the chart the Senator from Illinois is using, 38,000,000 acres of submerged lands under which there are valuable resources of all types, including oil and gas, and not return a lesser amount of 17,000,000 acres to the coastal States?

Mr. DOUGLAS. Let me say that the Anderson bill does not restore to the inland States property which they have not had. The inland States already, by the decisions of the courts, have ownership rights to the submerged lands under inland waters, including the submerged lands under the Great Lakes. That is well established by the court decisions which are piled up on my desk, and which I ask any Senator to inspect. We merely recognize that which is already established. We are virtually confirming the decisions of the courts.

We do not believe we should give away, however, to the coastal States, and particularly to the three or four in question, submerged lands which the Supreme Court has said belong, not to them, but to the Federal Government.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield further to me?

Mr. DOUGLAS. Certainly.

Mr. DANIEL. The Senator from Illinois will agree, I suppose, with Mr. Justice Black and with former Solicitor General Perlman that the coastal States were proceeding in good faith before they were sued, in believing that they owned the lands beneath their marginal belts, just as the Great Lakes States have done; is that correct?

Mr. DOUGLAS. Certainly that is true, and I have never charged the coastal States with proceeding in bad faith. Nor have I charged the distinguished junior Senator from Texas with proceeding in bad faith. I made that very clear at the beginning of my remarks. No question of bad faith is involved. This is now a question of where ownership lies.

Mr. DANIEL. Is it not true that today the only difference between the 21 coastal States and the 8 Great Lakes States, which have more than twice as much land within their borders and beneath their Great Lakes, is that the Federal Government has sued the coastal States and has obtained judgments against them, but has not filed suit against the Great Lakes States? Would not the Great Lakes States be in the same boat with the coastal States, perhaps, if the Federal Government filed a test lawsuit against one of the Great Lakes States?

Mr. DOUGLAS. I wish to say to my dear friend the junior Senator from Texas, whom I have known for only a short period of time, but for whom I have great admiration and affection, that I hope he will not take it amiss when I say that he is just as wrong on this point as he possibly could be.

Mr. DANIEL. Well, Mr. President——

Mr. DOUGLAS. I ask the Senator from Texas to let me follow up the statement I have just made, for it is a bold statement, and I must defend it.

In the first place, the courts have never said that the coastal States own the submerged lands seaward from the low-water mark. On the contrary, in the only three cases involving such offshore lands, which have come before it, the Supreme Court has said that these submerged lands belong to the Federal Government. In 52 cases which I have before me—cases dealing with tidelands and submerged lands under inland wa-

ters—the Court has said that such submerged lands belong to the States.

So I do not expect to see the Federal Government try to reverse those 52 decisions, although the able junior Senator from Texas is trying to reverse the three decisions of the Supreme Court in regard to the submerged lands seaward from the low-water mark.

If the present administration were to be so unwise as to attempt to do that, however, we propose to estop the administration by statute. We aim to throw protection around the past decisions of the courts because of the fears aroused by some State attorneys general. Therefore we invite the Senator from Texas to join us in throwing statutory protection not only around the judicial decisions pertaining to the ownership of submerged lands under inland waters, but also around the Federal Government's ownership of submerged lands in Federal waters seaward of the low-water mark.

So I hope the Senator will join us in supporting the Anderson bill.

Mr. DANIEL. I would be glad to join the Senator from Illinois in supporting the Anderson bill if the Senator from Illinois would include in that bill the marginal belts of the coastal States, where we have only 17 million acres of land. On the other hand, the Senator from Illinois is not willing to have the submerged lands under the Great Lakes—which lands the Senator from Illinois is attempting to hold on to, today—put into a common pot, so that the minerals in those lands may be divided among the schools of the country. The Senator from Illinois wishes to continue to hold for his State the nearly 1 million acres within the submerged lands in the State of Illinois under the Illinois Central case, which says that the Great Lakes are open seas.

In other words, the hope of the Senator from Illinois that the Senator from Texas will join in supporting the Anderson bill simply gives the Senator from Texas an opportunity to say what is wrong with the Anderson bill. Under that bill the Great Lakes States would receive all of the enormous amount of 38 million acres of land and all the natural resources in them. The Senator from Illinois would vote for that bill and would keep the Federal Government from ever filing a lawsuit to see if it had the same claim against that land that the Federal Government has asserted to ours.

So I would say to the Senator from Illinois that it seems to me the Anderson bill would be unfair, in that it would not treat alike all the States. If these lands are to be taken from the 21 coastal States, under Supreme Court decisions, we ought at least to have a Supreme Court test case regarding the lands under the Great Lakes, to see whether the present Court will override the former opinions as to the lands under the Great Lakes, because, as I showed yesterday, those opinions are based on State ownership of lands on the borders of the sea.

Will the Senator from Illinois permit me to read, in that connection, a sentence from the Illinois Central case?

Mr. DOUGLAS. No; I prefer to postpone my discussion of that point until we reach the point of whether the law as to inland waters is a derivative of the law as to the marginal sea. First, I should like to deal with the question the Senator from Texas has raised. He made a piteous plea about how the State of Illinois, as represented by its senior Senator, is trying to hold on to the approximately 900,000 acres of land under Lake Michigan, and yet would have the Federal Government take away from the States of California, Louisiana, and Texas the lands under the territorial waters.

Mr. DANIEL. And also from the other coastal States.

Mr. DOUGLAS. Very well.

I should like to point out that the Anderson bill gives, or to be more precise, confirms and recognizes the ownership of Texas, Louisiana, Florida, and California—and of all other States—in all submerged lands under inland waters, under lakes, bays, ports, rivers. Does the Senator from Texas know how much land Texas will get, as he puts it, under the provisions of the Anderson bill? It amounts to 2,364,800 acres. In the case of Illinois, the total amount of land thus confirmed to her will be 290,000 acres, in round numbers, under inland waters, and 976,640 acres under the Great Lakes. So we are being twice as generous to Texas as we are to ourselves.

Mr. DANIEL. Is it not true that the Lord, instead of the Senate, was twice as generous to Texas? [Laughter.] The Lord, not the Senate of the United States, put those submerged lands in Texas.

Mr. DOUGLAS. I am trying to point out that this provision in the Anderson bill acknowledging and confirming State titles in submerged lands under inland waters applies all over the Nation as a whole. The charge of the Senator that it favors my own State is without foundation. As a matter of fact, Texas will be confirmed in twice as much of those lands as will Illinois.

Mr. President, I see before me at this time my able and amiable friend, the Senator from Louisiana [Mr. LONG]. Let me read the figures in regard to Louisiana. Louisiana, under the Anderson measure, would have title confirmed to 2,141,400 acres, or almost twice as much as Illinois.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. Certainly, I yield.

Mr. LONG. I do not see what the Senator from Illinois is complaining about. Under the Anderson measure his State gets all its submerged land. One hundred percent is 100 percent. That is all his State can get.

Mr. DOUGLAS. But the point is that under the Anderson measure all submerged lands under inland waters and all tidelands are quitclaimed to the States; and Texas and Louisiana get twice as much as Illinois. To the degree that the States have inland waters, they will all receive quitclaims.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. DOUGLAS. Before yielding to the Senator I desire to mention certain other figures. Under the Anderson measure, the State of Florida would be confirmed in its ownership of 2,750,720 acres, or 2½ times as much as the State of Illinois; California would get 1,209,000 acres, or about the same amount as Illinois. In other words, the rule applies across the board. Such a statute is not needed, but, in order to quiet the false fears which have been aroused, we propose by statute to confirm what the decisions of the Supreme Court have previously held, namely, that land under inland navigable waters belongs to the States; but we do not propose to reverse the Supreme Court by saying submerged land under the ocean seaward from the low-water mark shall go to the States.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am happy to yield to the Senator from Louisiana.

Mr. LONG. The Senator from Illinois says the Anderson measure is more favorable to the State of Louisiana than it is to the State of Illinois. Can the Senator tell of any respect in which the Anderson measure can be said to be more favorable to the State of Louisiana than it is to the State of Illinois?

Mr. DOUGLAS. I do not believe I said more favorable. I stated it would confirm Louisiana's ownership of almost twice as much submerged land as for Illinois. The purpose is not to be favorable to the State of Illinois, or any other State, but to remove the false fears which the attorneys general of the several States have aroused in the breasts of people throughout the country.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG. As a matter of fact, did not everyone, including Federal officials, agree that the States owned their submerged lands, until President Truman undertook to have the Federal Government contest the ownership of the States and to establish the ownership of the Federal Government of them? Such an effort has never been made with regard to the State of Illinois.

If the Senator wishes to rely upon the fact that Illinois is to be regarded as owning its submerged lands, would it not be fair that, as a part of the Anderson measure, the attorneys general be instructed to take advantage of the decision in the Texas, Louisiana, and California cases, and proceed to assert the Government's right to the submerged lands of the Great Lakes States? Those cases enunciated the doctrine of paramount rights, a doctrine which had never before been urged or announced by the Court? That doctrine might be made the basis of going ahead to take submerged lands under the Great Lakes.

Mr. DOUGLAS. I may say that the paramount-rights doctrine, in respect to the submerged lands seaward from the low-water mark, was announced by the court in the Texas, Louisiana, and California cases, because those were the first instances in which such cases came before the Supreme Court. There is a good deal of difference between the marginal sea which surrounds the country and the inland waters. The marginal sea has to be protected by the Federal Government; and the Navy, the Coast Guard,

shore batteries, and so forth, are used for protection. It is in or borders on the so-called international domain. In fact, it may well be that the rights of the Nation to the marginal sea may be derived from the law of nations, as a right not only asserted by it as a nation but assented to by all other countries. The decision in those cases relating to the marginal sea in no way furnishes a precedent for overruling the prior inland-water rule adhered to so consistently by the Court.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Yes.

Mr. DANIEL. Speaking of these decisions, will the Senator from Illinois concede that the Supreme Court of the United States, in United States against Rodgers, held:

> The Great Lakes possess every essential characteristic of seas. * * * They are high seas.

Mr. DOUGLAS. Just a moment.

Mr. DANIEL. Will the Senator concede that?

Mr. DOUGLAS. No. I want to read the next sentence following the one I understood the Senator was quoting.

I wish to read the next sentence, which the Senator from Texas read yesterday. I may say, in all honesty, that he read it, but he did not emphasize the phrase——

Mr. DANIEL. Is the Senator talking about the case of United States against Rodgers?

Mr. DOUGLAS. Yes; I am.

I read:

> In other respects, they are inland seas.

Mr. DANIEL. Will the Senator check his citation? The Senator is referring to another case.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I shall yield in a moment. Is it not true that what the Senator from Texas in debate yesterday was quoting was from the Rodgers case? I refer to page 2825 of the RECORD.

Mr. DANIEL. I quoted both from the Rodgers case and from the Illinois Central case yesterday.

Mr. DOUGLAS. Does the Senator have yesterday's RECORD before him?

Mr. DANIEL. I will get the RECORD.

Mr. DOUGLAS. Let us clear up this point.

Mr. DANIEL. My question to the Senator was whether he would concede that, in United States against Rodgers, in talking about the Great Lakes, the Supreme Court of the United States said:

> The Great Lakes possess every essential characteristic of seas.

Mr. DOUGLAS. Of open seas?

Mr. DANIEL. I continued: They are high seas.

Mr. DOUGLAS. From what opinion is the Senator reading:

Mr. DANIEL. It is the case of *U. S. v. Rodgers* (150 U. S. 249). If the Senator will permit, I should like to read more from the case, from which it will become clear that the case was holding the Great Lakes to be high seas and subject to the laws applicable to the high seas, to the Atlantic and to the Pacific. Would the Senator mind yielding to me for that?

Mr. DOUGLAS. I may say that, at the moment, I do not seem to have the Rodgers case before me.

Mr. DANIEL. Then it is not fair for me to ask the Senator to admit that now, but I should like to come back to that in a minute. In the meantime I should like to ask one related question. The Senator spoke about the fact that the Federal Government must defend the marginal seas along the coasts. Is it not true that the Federal Government also must defend the Great Lakes? And is it not true that the President of the United States, when he was Commander in Chief in 1947, said that:

> In another war the first attack probably would be aimed at the Great Lakes and St. Lawrence River industrial areas.

Mr. DOUGLAS. As the Senator from Texas should know, by the treaty of Ghent we have disarmament on the Great Lakes and along the Canadian border. We have had that for almost a century and a half, with no fortifications on either side of the American-Canadian border. No ships of war are allowed on the Great Lakes. It is a great achievement. Consequently, so far as danger from contiguous neighbors is concerned, there is none; and that is very different from the marginal sea, itself.

Mr. DANIEL. By the same token, I may say to the Senator, the marginal sea off Texas is so shallow that it could never float a battleship. However, is not the Federal Government bound to defend the Great Lakes, in the same way that it is bound to defend the marginal sea?

Mr. DOUGLAS. In practice, the Great Lakes will never be attacked by Canada.

Mr. DANIEL. No; but my question was, Is not the Federal Government bound to defend the Great Lakes to the same extent that it is bound to defend the marginal sea of Texas?

Mr. DOUGLAS. The Federal Government is bound to defend all portions of the United States.

Mr. DANIEL. That is the point.

Mr. DOUGLAS. But there is no naval or military danger on the Great Lakes, so far as Canada is concerned.

Mr. DANIEL. And I will say to the Senator there is no naval or military danger on the marginal sea of Texas so far as Mexico is concerned.

Mr. DOUGLAS. No; not from our friends in Mexico, I am sure.

Mr. DANIEL. The same principle applies to the Great Lakes that applies to the marginal seas of this country.

Mr. DOUGLAS. I can conceive of naval powers so attracted by the riches of Texas that, like an irresistible magnet, they would be drawn to the coasts of Texas to try to take over the Shamrock Hotel, for instance, outside of Houston.

Mr. DANIEL. I may say to the Senator from Illinois that there is of course no prospect of such efforts by foreign powers. The only ones who seem to be threatening to take away our property are Senators from States who want to hold on to every acre of the same kind of property which is found in their States.

Mr. DOUGLAS. I assure my good friend from Texas that I have no designs upon his State. But other nations less friendly than the two we have mentioned create a sufficient danger to warrant our manning very substantial defenses in and on the borders of the marginal sea.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from New Mexico.

Mr. ANDERSON. Does the Senator from Illinois intend, in the course of his discussion this afternoon, to advert to that portion of the debate in which the statement was made that the Great Lakes have been held to be open seas?

Mr. DOUGLAS. I had hoped to; but I would welcome his reinforcement at this point.

Mr. ANDERSON. I am not able to reinforce the distinguished Senator from Illinois, but when a claim is made that the Great Lakes have been held to be open seas I think it would be helpful if the claim were supported by a citation of the case so holding. We have the Rodgers case referring to the high seas. The statement has been made repeatedly that the Great Lakes have many of the characteristics of the open seas, but I think we might say that a bird has many of the characteristics of a human being. Birds have two eyes, two legs, two ears——

Mr. DOUGLAS. And they have a central nervous system and a cardio-vascular system.

Mr. ANDERSON. Yes. But while they have some of the characteristics of human beings, we do not permit them in my State to vote. They are not human beings. The fact that the Great Lakes have certain characteristics of the high seas does not make them high seas. There was another ruling of the Supreme Court through which we may come to an understanding of the facts.

Mr. DOUGLAS. I thank the Senator from New Mexico for his able contribution to this debate.

I want to say to my good friend from Texas that in the quotation which he gave yesterday, which I thought was from the Rodgers case but which turns out to be from the Illinois Central case, he read a sentence stating that the Great Lakes possess all the characteristics of the open seas except for the freshness of their waters and the ebb and flow of the tide. The Senator went on with another sentence from the Court's opinion, which he did not emphasize. I wish now to emphasize it. It was as follows: "In other respects, they—the Great Lakes—are inland seas"; and I point out that they differ very much from open seas in that they are not open to unlimited, free passage and they are reached only through inland waters, namely, the St. Lawrence River and the Welland Canal—and, we hope, through the St. Lawrence seaway, if our good friends who are so attached to the Mississippi River will permit us to have the St. Lawrence seaway. How can the Great Lakes be open seas when they can be reached only through inland waters? I do not understand they are recognized in international law as open seas. They are not

like the Mediterranean Sea or the Black Sea.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. DANIEL. The Senator has just stated that the Great Lakes are not like the Mediterranean Sea or the Black Sea. I ask the Senator if he has read the case of United States against Rodgers in which the Great Lakes are compared to the Black Sea, the Baltic Sea, and the Mediterranean Sea, and in which the Court says they are high seas?

Mr. DOUGLAS. I heard the Senator's quotation of that decision yesterday, and I assume his quotation is correct, but I would point out that what the Senator from New Mexico [Mr. ANDERSON] said is also correct. In some respects they are comparable to open seas, but in other respects they are not. I bathe in Lake Michigan; I imbibe of the water of Lake Michigan. The water is not salt; the tides do not operate there; no great ocean steamers can come through the Welland Canal to Milwaukee or Chicago; there is no immediate international access; there is no tide, as I have said. There are many other respects in which the Great Lakes are not comparable to the Mediterranean Sea or the Black Sea. The Senator from Texas can make them comparable only if he follows Polonius and says that it first looks like an elephant and then like a whale.

Mr. DANIEL. Is it not true that the Supreme Court made them comparable as to State ownership of submerged lands when it said, in the Illinois Central case:

> We hold, therefore, that the same doctrine as to the dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies, which obtains at the common law as to the dominion and sovereignty over and ownership of lands under tidewaters on the borders of the sea.

Mr. DOUGLAS. I am delighted that the Senator from Texas has used that quotation. It specifically refers to "tidewaters on the borders of the sea," not submerged lands below the low-water mark. That was like the point involved in the Pollard case and in the Waddell case. Those two cases involved the tidelands and submerged lands under inland waters.

The Supreme Court has never said that the same rule applies to the Great Lakes that applies to submerged lands seaward from the low-water mark, because those marginal sea cases first came before the Court in 1947 and 1950. I am delighted that the Senator from Texas has given eloquent support to the distinction between tidelands and inland waters, on the one hand, and the marginal seas, on the other.

I hope the Senator from Texas will excuse me for the excitement in my voice.

Mr. DANIEL. Yes; I certainly shall excuse the Senator from Illinois. I join him in the excitement, because I am delighted that he is delighted that I have emphasized the fact that the Court applied to the Great Lakes the same rule it applied to tidewaters on the borders of the sea, because the same Court in the case of Manchester against Massachusetts referred to waters within 1 league from shore as "tidewaters."

Mr. DOUGLAS. The Manchester case refers to Buzzards Bay. It is covered by the inland-water rule. I have always had one foot in New England and one foot in the Middle West. I have fished in Buzzards Bay, just as Grover Cleveland used to fish there.

Mr. DANIEL. I am referring to what the Court said about tidewaters, that they are waters which are within the 1-league limit. The Supreme Court said that the jurisdiction of a nation over tidewaters—that is not inland waters—extends to a marine league from the coast, saying that tidewaters are waters which are moved by the tides out as far as a marine league from the coast.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. The Senator from Texas is talking about the control of a nation over tidewaters, specifying a limit of 3 marine miles. That goes back to the days of Jefferson, when he claimed 1 marine league.

Torturing language in an effort to try to find something that will give credence to such a claim as is here made is not uncommon. If we are going to talk about the control of the Federal Government, it has always been one marine league, exactly as pointed out by the Senator from Texas.

Mr. DANIEL. Mr. President, if the Senator from Illinois will yield for one more question, I shall try to hurry so that he may proceed. But, in order that the RECORD may be complete, at least that it may present the rest of the Manchester case, let me say that the Court was not talking only about the National Government but it went right on in the next paragraph to say that, after the Revolution, the previous rights of the King in those waters and soils went to the States. The Court was not talking only about the Nation's rights.

Mr. DOUGLAS. I believe the Senator from Texas appeared on the brief and perhaps on oral argument as well as an amicus curiae in the California case, and also argued the Texas case. In the California case, when the argument was presented, the Court stated it had ruled as follows in the Manchester case, and I read from the opinion:

> The first is *Manchester* v. *Massachusetts* (139 U. S. 240). That case involved only the power of Massachusetts to regulate fishing. Moreover, the illegal fishing charged was in Buzzards Bay, found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea. And the Court specifically laid to one side any question as to the rights of the Federal Government to regulate fishing there.

The Court thus clearly distinguished the Manchester case from the case of submerged lands in the marginal sea which was before it in the California case.

Mr. HILL. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I yield.

Mr. HILL. The Senator from Texas [Mr. DANIEL] stated yesterday—and I quote from page 2825 of the RECORD:

> As the Court said in the Rodgers case, even though they are inland seas, they are high seas.

That makes very clear, does it not, that, so far as admiralty is concerned and so far as navigation is concerned, Federal power comes into play and is exercised in the regulation of commerce under the Federal Constitution, but that so far as title to the inland seas is concerned, that title is in the States. Is not that correct?

Mr. DOUGLAS. The Senator is correct.

Mr. HILL. In other words, the fact that title is in the States, the fact that the waters are an inland sea, does not take away from the Federal Government its responsibility and duty for the regulation of admiralty matters and of commerce. I think that if the Senator would examine the statement, he would find that admiralty law would apply to the Mississippi River. There is no question that title is in the States, but the power to regulate commerce and admiralty law lies in the Federal Government.

Mr. DOUGLAS. I wish to thank the Senator from Alabama for making that important statement. Some of the cases which are cited as Federal authority derive from the Federal power to regulate commerce and the power of the Federal Government to regulate conditions on board vessels plying inland waters.

Mr. HILL. Plying in commerce.

Mr. DOUGLAS. Although the Federal Government has jurisdiction in those cases, it does not claim jurisdiction of the submerged lands beneath inland waters, and the Court has ruled it does not own them.

Mr. HILL. That is correct. No question was raised as to such jurisdiction.

Mr. DOUGLAS. Not only was no question raised as to title, but the Government has always specifically affirmed its intention of not claiming jurisdiction.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Oregon.

Mr. MORSE. I am delighted that the Senator from Illinois has made the comment he has made about the Pollard case. Either later this week or early next week I propose to discuss my view of the pending joint resolution from the standpoint of Supreme Court decisions. I wish to say today that I completely agree with the comment of the Senator from Illinois with respect to the Pollard case. I know of no case in this whole controversy which, in my judgment, has been more miscited than has the Pollard case. The Pollard case is a State-sovereignty case. The basic issue in the Pollard case was a question of State sovereignty. Sovereignty over what? The land between low-water mark and high-water mark.

Mr. DOUGLAS. The Senator from Oregon is correct. It was originally a tidal land.

Mr. MORSE. The Court made it perfectly clear that it was not talking about a square inch of submerged land; it was talking about inland waters and tidelands.

Mr. DOUGLAS. The Senator from Oregon is correct.

Mr. MORSE. Yet we constantly hear the Pollard case being cited as though it were an authority for the States to

take land beyond the tidelands. In my judgment, the Pollard case is an authority for the Senator's position on the joint resolution, because the Pollard case upholds State sovereignty over tidelands, and says not one word that would justify the interpretation that submerged lands are covered by that decision.

Mr. DOUGLAS. I wish to thank the Senator from Oregon for reinforcing my position. As everyone knows, I am not a lawyer, so I am very glad to have the opinion of a distinguished lawyer in support of my views.

Not only does the Pollard case support my point of view, but the decision in the Waddell case and some 42 other decisions all support the contention I make with respect to submerged lands beneath inland waters being owned by the States.

Mr. ANDERSON. I am glad the Senator from Illinois has made the statement he has made about his not being a lawyer. I myself, not being a lawyer, have the same difficulty. The Senator from Illinois recognizes, does he not, that the Pollard case applied to a city lot. It had to do with a piece of land inside a city, on Church Street. Now it is sought to apply that case to land miles at sea.

Mr. DOUGLAS. The Senator from Illinois would suggest, without wishing to be facetious, that it is not the supporters of the Anderson bill who are logically at sea.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I will yield for a question.

Mr. LONG. A suggestion has been made that with respect to what the Supreme Court in its earlier decisions said about the property in the marginal sea belonging to the States, we were making a tortured construction of the Court's language. I should like to read from the actual decision that decided against the States in the California case. Speaking through Mr. Justice Black, who certainly was as much on the Federal side as was any other Justice who sat on the Supreme Court——

Mr. DOUGLAS. May I interject to say that Mr. Justice Black is not on the Federal side. Mr. Justice Black is a Justice who follows his conscience, whether it be State side, Federal side, local government, National Government, labor, capital, white, or black. Justice Black calls the shots as he sees them. He is not a doctrinaire.

Mr. LONG. May I ask if the Senator, by his remarks, is suggesting that Justice Frankfurter and Justice Reed, who dissented, do not follow their consciences?

Mr. DOUGLAS. Of course, they also follow their consciences.

Mr. LONG. Or that Justices who sat on the Supreme Court previously did not follow their consciences,

Mr. DOUGLAS. Certainly they followed their consciences. I was simply jumping into the breach to defend Justice Black against any imputation of partiality.

Mr. LONG. I said that Justice Black was on the Federal side. I believe the facts pretty well show that he was on the Federal side.

Mr. DOUGLAS. He was on the Federal side in those cases, because the law was on the Federal side.

Mr. LONG. I read from Mr. Justice Black's majority opinion in the California case:

> As previously stated, this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction whether inland or not.

That is the construction which Justice Black himself placed on the decisions contained in the volumes the Senator from Illinois has on his desk.

Mr. DOUGLAS. If the Senator from Louisiana had been on the floor when I began speaking, he would have heard me acknowledge the fact that in some of those cases—in the Pollard case and, I believe, in the Waddell case, and certain other cases—the Court indulged in obiter dicta, general statements not connected with the facts of the particular cases before them. The question arises whether the obiter dicta are to be controlling and binding, or whether decisions on the facts of those cases are to be controlling and binding.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not now; in a moment.

As I have either confessed or boasted—I do not know which—I am not a lawyer, but I have never understood that nongermane remarks by a court, remarks not bearing upon the particular facts of the case before the court, were binding and controlling upon future courts. I have always thought such remarks were interesting and that they might help to form public and legal opinion. But I have never thought that they were binding or controlling upon future courts.

I have always understood, from every textbook on law I have read, and from every eminent lawyer with whom I have talked, that my interpretation is correct, that a court can fundamentally decide on the facts of the case before it, but that if the facts of future cases differ from the facts of previous cases, the court is justified in framing new rules in accordance with the new conditions which face it.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG. The Senator from Illinois sometimes takes advantage of the attorneys by pleading ignorance of legal matters.

An earlier case on this subject was Martin against Waddell. In that case, the Supreme Court spelled out the doctrine that a new State acquired all the rights that the King of England would have had if the American Colonies had never revolted against the King; that in that capacity they owned all the submerged lands within their jurisdiction, and that because the land therein was submerged land, within the jurisdiction of the State, it belonged to the State of New Jersey. The Senator says the Court's reasoning was obiter dictum when he says that other submerged land which was in the jurisdiction of the State does not belong to the State? But that is not what the Court said. It said clearly that it thought that all submerged lands within a State's jurisdiction belonged to it.

Mr. DOUGLAS. Let me reply to the Senator from Louisiana. My good friend from Louisiana, who I think is a great ornament to the Senate and a great credit to his State, and for whom we all have a deep affection, probably quoted some sentences from the decision of the Court in the California case, but he did not quote the succeeding sentences. I invite his attention to the succeeding sentences, referring to the Pollard case:

> All of these statements were, however, merely paraphrases or offshoots of the Pollard inland-water rule, and were used not as enunciation of a new ocean rule, but in explanation of the old inland-water principle. Notwithstanding the fact that none of these cases either involved or decided the State-Federal conflict presented here, we are urged to say that the language used and repeated in those cases forecloses the Government from the right to have this Court decide that question now that it is squarely presented for the first time.

I think that disposes of the first part of the contention of the Senator from Louisiana. The problem of ownership of submerged lands seaward of the low-water mark had never been before the Court prior to that case. I have heard him on many other occasions advance this dubious authority, based upon the 1610 case in England, and based upon the practices of the British Crown.

I hope my friend will forgive me if I say that to me this seems as fantastic as the argument in the play Henry V, in which the Archbishop of Canterbury and, I believe, the Bishop of Ely are trying to convince Henry V that he has title to the French Crown. It will be remembered that the alleged title was traced down through a chain. I think this contention is highly fantastic, and at the proper time—sometime today or tomorrow—I intend to deal with this point. But let us postpone a discussion of the period of James I, and really concentrate our attention upon American law.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PASTORE. Is it not the understanding of the Senator from Illinois that whatever meaning or significance could be attached to that obiter dictum, it vanished when the California case was decided?

Mr. DOUGLAS. Precisely so.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. LONG. The Senator has before him a considerable stack of books containing some 52 or more decisions, some of which hold that the States own the submerged lands within their boundaries.

Mr. DOUGLAS. No; submerged lands under navigable inland waters, and tidelands—not within the boundaries.

Mr. LONG. Time and again in those cases the Court said that the States

owned all the submerged lands within their jurisdiction or within their boundaries.

Mr. DOUGLAS. But the Court never had a case before it involving ownership of submerged lands seaward from low-water mark. The cases decided always involved either tidelands or submerged lands under inland waters.

Mr. LONG. Let us agree on that.

Mr. DOUGLAS. That is marvelous.

Mr. LONG. The Senator relies upon that fact to say that, when the Supreme Court placed a new interpretation upon the paramount powers of the Federal Government, an interpretation which we had never seen in any of the lawbooks before, no one need worry, because the Supreme Court will still rely upon the inland waters cases which the Senator from Illinois has before him. At this very time the Supreme Court has before it another doctrine, supported by many cases and decisions of the Court. That doctrine is known as the separate-but-equal doctrine, dealing with the education of children in separate schools. Many Southern States feel that if that doctrine is overruled, the result will be completely to disrupt the school systems of those States.

Mr. DOUGLAS. I hope the Senator will not ask us to argue that question on the floor of the Senate at this time.

Mr. LONG. Let me make this point: there is a doctrine which many people feel should be overruled. If the Senator relies upon the sanctity of these decisions even in spite of the interpretation placed by the California decision upon the paramount powers of the Federal Government, does the Senator feel that the separate-but-equal doctrine should be overruled? It also is supported by many cases.

Mr. DOUGLAS. The Court has not made any ruling on the separate-but-equal provision. It is not a matter for discussion before the Senate at this time. That is a red herring of the most fishy type, and I am sorry my friend from Louisiana, whom I love as a cousin, should introduce it at this point.

Mr. LONG. The fact is that many decisions by prior courts cannot necessarily be regarded as being safe today. The American Bar Association and the attorneys general of the States of this Nation, who are good attorneys, believe that the strength of the cases upon which the Senator relies is undermined by the decisions in the California, Louisiana, and Texas cases. They are good attorneys, and that is their opinion.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Oregon. It is good to have a competent attorney supporting me.

Mr. MORSE. Mr. President, I share the feelings of affection which the Senator from Illinois has expressed toward the Senator from Louisiana.

Mr. DOUGLAS. They are genuine, I can assure him.

Mr. MORSE. They are absolutely sincere and genuine.

I ask the Senator from Illinois if he does not agree with me that the last comments of the Senator from Louisiana are exceedingly enlightening and interesting, in that they are subject to the clear interpretation that, with his typical honesty, the Senator from Louisiana is now confessing on the floor of the Senate what the opponents of this measure have been saying for months, namely, that the proponents of the joint resolution really fear the United States Supreme Court; they are afraid to permit the legal rights of the American people in these lands to be decided by the judicial branch of our Government. They want to use their political votes to take this property away from all the people and give it to the people of a few States.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at this time. I wish to comment on the remarks of the Senator from Oregon.

Later I shall comment upon this subject, but I should like to say that I am continuously struck with the fact that certain Members of the United States Senate want to set themselves up as a super-Supreme Court. When the decisions are made the way they want them, they praise the Court, and sometimes they propose legislation intended to confirm the decisions, so that no future Court can reverse them. If the decisions go against them, they want to pass a law which will reverse the decisions of the Court.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not just yet. I am in the middle of my train of thought.

In other words, what they are trying to do is to have the United States Congress become a super-Supreme Court, just as some Members of the Senate would like to have the United States Senate become the executive arm of the Government and negotiate foreign agreements, arrangements, and so forth. I believe that if those gentlemen had their way we would go back to the Articles of Confederation, under which there was only a Continental Congress, without a judiciary and without an executive. The Continental Congress moved through committees in the executive field, and was also itself a supreme court. I personally believe that the Articles of Confederation showed a great weakness, and that the Founding Fathers were correct when, in the Constitutional Convention of 1787, they established an executive branch and a judicial branch. I believe, along with the Senator from Oregon, that we would do well not to rush in and try to reverse the Supreme Court on every issue with respect to which we find ourselves in disagreement.

Mr. MORSE. Mr. President, will the Senator yield for one further question?

Mr. DOUGLAS. I am glad to yield.

Mr. MORSE. I completely agree with the analysis of the situation just made by the Senator from Illinois. I ask the Senator from Illinois if he shares some of my concern that this move—and I consider it such a move—to block the United States Supreme Court from exercising its powers under the Constitution as a separate, coordinate, and equal branch of our Government is, in effect, threatening the separation-of-powers doctrine under our constitutional system.

Mr. DOUGLAS. That is correct.

Mr. MORSE. If we allow this kind of procedure to develop, and permit political weapons to be used to reverse the Supreme Court, the Senator from Illinois knows, as does every other Member of the Senate, that with all the arrangements which are made on the political front for vote-trading, log-rolling, and dealing for support on a sectional basis, we may become guilty of undermining the separation-of-powers doctrine of our whole constitutional system.

Does the Senator from Illinois agree with me that issues such as this ought to be left for determination to the coordinate, equal branch of the Government known as the judiciary, and that we should not try to be settling them by political power?

Mr. DOUGLAS. The Senator from Illinois not only agrees but he will later present an argument on that very point.

I now yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I should like to ask whether it is not a fact that Senate Joint Resolution 13 does not clarify or elaborate upon the California, Louisiana, or Texas cases, but reverses those cases on all fours.

Mr. DOUGLAS. On all sixes, I should say. [Laughter.]

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. Certainly.

Mr. LONG. In the very Supreme Court decision which we have been discussing, the California case, the Court itself said that inasmuch as the decision undertook to hold that the property concerned was Federal property, it was the responsibility of Congress to say what should be done with the property. I read this language from the majority opinion:

> Furthermore, we cannot know how many of these lands are within and how many without the boundary of the marginal sea which can later be accurately defined, but beyond all this we cannot and do not assume that Congress, which has the constitutional control over Government property, will execute its powers in such a way as to bring injustice to the States and their subdivisions, or persons acting pursuant to their permission.

The fact is that the Congress of the United States time and again has given to the States vast expanses of territory which the Congress believed more properly should belong to the States. The State of Illinois itself was at one time completely owned by the Federal Government, and today the people of Illinois and the State of Illinois own practically all that property. The State of Louisiana was once owned completely by the Federal Government. Today the people own the property, with the exception of that now in question, and the national forest lands purchased by the Federal Government.

Mr. DOUGLAS. Mr. President, let me say to the Senator that what the Anderson bill does is to conform in all respects to the injunction laid upon the Congress in the concluding sentence of the California decision. Take for instance the language about doing justice "to persons acting pursuant to their—the States'—permission." The Anderson bill does not, as some have charged, invalidate the leases which private persons have taken from the three States

for the sinking of wells. On the contrary, the Anderson bill validates those leases, not only those which have been developed, but those leases which have not yet been developed. There is full recognition of the terms of the leases.

Furthermore, there is no injustice to States or their subdivisions, because the Anderson bill follows the practice pursued in the case of mineral rights on public lands, and provides that three-eighths of the income which the Federal Government may receive from the submerged lands under the marginal sea within the 3-mile limit shall go to the States.

There is no legal obligation upon the Nation as a whole to give the three-eighths to the States. The Senator from New Mexico [Mr. ANDERSON], and those of us who are supporting him, provide that the shoreward States should have the three-eighths from within the 3-mile limit. So the Anderson bill carries out the injunction that we should proceed in good conscience and equity.

Mr. LONG. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the Senator from Louisiana.

Mr. LONG. The Senator from Illinois and the Senator from Oregon are suggesting that it is a shameful, awful, terrible thing for these bandits who are advocating the joint resolution to try to take this land for the States.

Mr. DOUGLAS. Oh, no.

Mr. LONG. That is the implication.

Mr. DOUGLAS. We did not call the Senators proposing the resolution bandits, and never will.

Mr. LONG. The former President of the United States said as much.

Mr. DOUGLAS. He is a great man, but I do not associate myself with him in such remarks.

Mr. LONG. President Truman once said that to restore this land to the States would be robbery in broad, open daylight.

Mr. DOUGLAS. It would, indeed, be a great mistake.

Mr. LONG. When the Senator from Illinois goes along with those who say it would be an awful act—an immoral act, as some have suggested—to restore this property to the States, the Senator must then acknowledge that in giving three-eighths of the revenues to the States, those taking his position are three-eighths as immoral as we.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the Senator from New Mexico.

Mr. ANDERSON. There is a public-land policy in this country. We have permitted people to take three-eighths of the royalty from land that admittedly belongs to the United States. That does not transfer title away from the United States, but it means that they take the revenue coming from below the land, and what my bill does is to seek to treat all States in the same way. It does not do an immoral thing, it does not seek to reverse a decision of the Supreme Court; and I think that is extremely important.

Mr. LONG. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. LONG. The Senator from New Mexico referred to a public policy. There has been a public policy with regard to lands for many years. The Senator may look at page 71 of the hearings, which shows that the Federal Government gave to the States more than 98 million acres for their common schools. The next column indicates the Government gave more than 17 million acres for other schools. The next column shows that the Federal Government gave the States more than 37 million acres for railroads, and the next column shows that it gave the States more than 64 million acres for swampland reclamation. That has been a public policy for many years. Now we simply propose to fix a public policy with reference to the lands under the marginal sea.

Mr. DOUGLAS. Mr. President, this is the same point the Senator from Florida raised earlier in the debate, and I pointed out that the majority of these cessions of land were for definite and stated public purposes: 98 million acres for the common schools, 17 million acres for other schools, 37 million acres for railroads, and 64 million acres for swampland reclamation.

When we come to the question of swampland, I desire to call attention to the fact that Florida got 20 million acres of swampland, and the State of my dear friend, the Senator from Louisiana, got 9,491,000 acres. They got most of the swampland, and now they attempt to show their gratitude for the grant of the swampland by taking the oil and gas also and justify the latter as following the precedent of the former grant.

Mr. LONG. Mr. President, if the Senator will yield, I cannot understand what the Senator from Illinois is complaining about. Illinois got all of its land from the United States.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. It is perfectly apparent that when certain grants are made for schools, they comply with the public land policies and all provisions of the law. Grants have been made to the railroads to make it possible for them to select a band of land along the railroads to pay early construction costs. If the railroad happens to run through Colorado or Montana or Wyoming, it is perfectly natural that that land selected by the railroad should be in that State rather than in some State where the railroad had already been operating a long time.

Since we are engaged in a discussion of why all should be treated fairly, when the Malone amendment was before the Committee on Interior and Insular Affairs, an amendment which would have permitted States in the Rocky Mountain area to have rights to minerals underlying their public lands, an amendment to a bill which gave people rights to oil 10 miles at sea, or 20 miles at sea, ask the representatives of Texas, Louisiana, and California, to say how they voted. They voted no. It is all right, they think, to take these areas off the shores of Texas and Louisiana, under water, miles at sea, and take the full amount of the resources for those States. But when there was a proposal that within the limits of the State, on land that could be seen, on land that in some legislation has been declared to be held in trust for the States, the total royalty should be paid to those States. When that amendment was presented how did they vote? In their opinion, that would be wrong. The present occupant of the chair, the junior Senator from Arizona [Mr. GOLDWATER] is going to live to see a tremendous oil development in Arizona. But the great bulk of the land in Arizona is owned by the Federal Government, and only three-eighths of the royalties will come to the State of Arizona.

Would any of the Senators supporting the joint resolution be in favor of giving such States as Arizona all the royalties, in the way they seek to have done in the case of the lands lying off the shores? No, Mr. President; they have voted no on that issue. They have voted that Arizona shall have three-eighths, and no more; and that stand has applied throughout this discussion.

The representatives of the coastal States say, "Yes, we want title to all the land lying off our shores, miles at sea, land that no one has ever seen because it is covered by fathoms and fathoms of water, and we want all the oil in that area; but when it comes to a State where the land can be looked at, do not give any of the corresponding royalties to those States."

Mr. DOUGLAS. Mr. President, let me say that at times I have wakened in the night with a fear that possibly the representatives of the States in which oil is found and possibly the representatives of the Mountain States and the semiarid States might get together and might agree to give the subsurface rights in Federal lands to the States, not only in the submerged lands lying off the borders, but also in the lands within those States. So, far from reproaching the Senators from the coastal States for their failure to extend their principle to these other States, I am thankful that thus far they have held out. But I am fearful that if it should ever become necessary to pass this joint resolution, possibly a gentleman's understanding might be reached; and that is one of the reasons why I am afraid of this joint resolution. I think it opens up the way for spoliation of the natural resources of the Nation. I believe that if the submerged land is given to California, Louisiana, and Texas, and possibly to Florida, the Mountain States will demand their soil or the mineral resources beneath it, and the 11 Western States will demand the national forests and the national parks and the public domain and the falling waters; and in that way we shall open a Pandora's box which ultimately will result in stripping the Nation of its natural resources.

So I am thankful to the Senator from New Mexico for bringing this issue to the floor, and I notice it has been raised in committee hearings, also.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me?

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. DOUGLAS. I yield.

Mr. LONG. I cannot quite understand the point of the Senator from New Mexico. He says what a terrible thing it is, and yet he voted for it, whereas I voted against it. The Senator from Illinois says he is thankful to the Senator from New Mexico for bringing up the matter.

The point is that any disposition of the acreage in the public domain—more than 10 times the amount of acreage involved in this measure—is a matter which should stand on its own merits.

A moment ago we heard the statement that the Senators from the coastal States are trying to do a lot of logrolling. However, Mr. President, the record shows that we are standing on the merits of our case, certainly insofar as the amendment pertaining to public lands is concerned.

I believe that perhaps someday we should take a look into the minerals lying in those lands, but that would not benefit the State of Louisiana, so far as revenue is concerned. Thirty-seven and one-half percent of the royalties from those millions of acres goes directly to those States. Fifty-two percent goes to the reclamation fund.

Mr. President, in Louisiana we do not want to participate in the reclamation fund. The Bureau of Reclamation would like to impose itself on our people, but we do not want it. We already have enough problems without bringing it in to complicate them.

The other 10 percent of the public land's revenues goes for administration of the fund.

So far as we in Louisiana are concerned, in the case of the minerals under those western lands, we believe they might as well belong to those States, because we neither derive nor seek any revenue from them.

Mr. DOUGLAS. Mr. President, in justice to the Senator from New Mexico, let me point out that in his bill he does not provide that the Federal Government's receipts from oil and gas under submerged lands in the marginal sea shall be distributed according to the distribution provided in the case of reclamation fund. He does not split that amount by providing that 52½ percent shall go to the reclamation fund and 10 percent shall go into the General Treasury. He provides that it shall all go into the General Treasury, and that its distribution shall be determined later by Congress.

So it is improper to charge the Senator from New Mexico with an attempt to have the funds derived from oil and gas from lands lying off the coast used for the benefit of irrigation in the semiarid States; and I rise to his defense on that point.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield to me at this point?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. I believe no more unfair thing has been said in the hearings and in this debate—and said steadily, persistently, and constantly—than that the Western States derive some financial benefit directly from the reclamation fund.

Mr. President, the reclamation fund does not consist of money that is doled out to individuals, as grants-in-aid. It consists of money that is made available for the development of the Nation. After that money is placed in a reclamation project, it is repaid by those who live on the project, and is returned into the Federal Treasury. Whenever the Congress wishes to do so, Congress can appropriate that money back into the Federal Treasury, and out of the reclamation fund.

The distinguished senior Senator from Arizona [Mr. HAYDEN] stands here in the Chamber, and it is a very fortunate and happy circumstance that the junior Senator from Arizona [Mr. GOLDWATER] is now presiding over the Senate, because in the State of Arizona there is a reclamation project known as the Salt River Valley project. Senators have spoken of the funds obtained by means of the 52½ percent division as if those funds were a grant-in-aid to the State of Arizona. However, after that reclamation project was built, three times the total cost of the project was paid into the Treasury, in the form of income taxes paid by the persons living on that project; and every dollar of the 52½ percent will be paid back into the Federal Treasury. Yet that fund is referred to by some Senators as a grant-in-aid. Of course, those Senators do not want or need a reclamation fund. For instance, the State of Louisiana receives oil royalties to a very great extent. If our State were given oil royalties to that extent, our State would not need a reclamation fund, either.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. I wish to say to the Senator from Illinois that I believe his sleepless nights are grounded on well known fears. Some of us who are opposed to the so-called Holland joint resolution feel that a precedent will be established if we give away to the States concerned the submerged lands containing oil deposits.

If the Congress will override the Supreme Court's decision and will give to certain States the lands underneath the sea, there is no reason why at a later time Congress cannot take from the Federal Government the national parks and the mineral rights inherent in the lands under the control of the Federal Government, and give them to the States. I think that danger is growing, because if this measure is passed and becomes law and is upheld, then it will pose a threat to all the natural resources in all our States.

Mr. DOUGLAS. I thank the Senator from Montana for his remarks, and it is characteristic of him that he has always stood for the conservation and the wise utilization of the natural resources in his particular State, knowing that the orderly development of those resources in the long run, rather than the short-term use of those resources in the interests of the lumbermen and the cattlemen, is in the interest of his State and the Nation.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I am glad to yield.

Mr. LONG. It seems to me that the point of view which has just been expressed by the Senator from Montana, and which is being urged by the Senator from Illinois, means that the Federal Government should hold on to everything it can, and should not turn over to the States any of it. If that point of view had been applied in earlier days, not a single acre of private property would now be found west of the Mississippi River, outside the State of Texas. If that land had not been turned over to the States and, in turn, reduced to private ownership, no appreciable amount of revenue would be obtained from that land today.

The Senator from New Mexico mentioned the vast amount of money realized from reclamation projects, in the form of personal income taxes that are paid by those who work in those States. Let me say that the Federal Government receives most of its revenue from the endeavors of those who have developed the resources of this Nation and who pay taxes because they have made those developments.

Only a small portion of the money in the reclamation fund comes from minerals. Most of it comes from direct taxes on the people of the Nation who invest funds in the development of those resources.

Mr. DOUGLAS. Let me say to the Senator from Louisiana that evidently there is a gleam in his eye, after all, about surrendering the public lands.

Mr. President, if we go into the question of the public lands in the West, we find that they are uplands, lands in out-of-the-way places, lands on mountain slopes, inaccessible lands. They are "the last stand." It is highly important that they should not be overcut or overgrazed.

The Federal Government, as I shall argue later in my speech, under two great Americans who, by mischance, happened to be Republicans—I refer to Theodore Roosevelt and Gifford Pinchot—started the conservation movement about half a century ago; and they succeeded in holding on to the fragments of the public domain which were still in the possession of the Nation. They introduced a system of orderly forestry and more or less orderly grazing, while resisting great pressures from local lumbermen and local cattlemen to increase the rate of cut and to increase the number of livestock per hundred acres. On the whole the conservationists have been successful in conserving the forests and the grasses and the soil of the uplands.

If we begin to give these resources to the States, as a result of the tremendous pressure coming from the lumber interests and the cattle interests, the result will almost inevitably be that these lands will be overcut and overgrazed. Then what will happen? At the present time the forests serve as vertical sponges which retain the melted snow and the rain, and the same function is largely served by the deep-rooted grasses.

If the soil is to be covered with cattle and sheep and the forests are to be cut

down, the result will be that the melted snow on the uplands will run off rapidly, creating gullies, the tricklets of water will swell into floods which will carry away soil from the uplands, and the Mississippi and the Missouri will be flooded. In such circumstances, probably my friend from Louisiana would come forward and say, "Oh, my Congress, build me higher and higher dikes." Soil would then be washed away out into the Gulf of Mexico, which under the pending measure, Louisiana would claim, and the Nation could go to pot. So in the interest of soil conservation we should not alienate the public forests, and we should not overgraze the pasture lands, the uplands.

Therefore, the concern of the Senator from Montana was a proper concern. Of course, he could go back to Montana and say, "Let us open up the grazing lands and the forests," in which event I am sure he could get some votes among the rich cattlemen and the rich lumbermen. But the Senator from Montana has very properly put the interests of the Nation—and, I believe, the long-run interest of Montana—first.

This is but the opening round in a long battle which is going to be fought on the floor of the Senate, and which we thought had been settled 50 years ago by Gifford Pinchot and Theodore Roosevelt. I appeal to the few Republicans present on the other side of the aisle—in fact, the only one I see—to follow Theodore Roosevelt and Gifford Pinchot in this matter.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG. The Senator referred to more fragments of property. I hope the Senator is not thinking that the more than 200 million acres which the Federal Government owns within the continental United States are fragments of property, because that is almost one quarter of the continental United States. In some of those States, the Federal Government owns more than 80 percent of the land. I do not wish to prejudge the question, but I assure the Senator that I will never apologize for favoring private ownership of property in this Nation. I believe that the concept of private ownership of property is one of the things that makes for the greatness of this Nation; and I hope the day will come when all this vast acreage of public land will be so developed that people will be able to live on it and produce the food and other resources they need to live.

Mr. ANDERSON. Mr. President——

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I may say that about an hour and a half ago I yielded for a question, and I have never been able to get "home" since then. I should like to have my speech as it will appear tomorrow in the RECORD seem to have some consecutiveness; so, while I should like to oblige my friends, I can yield only for a limited number of further questions. I first yield to the Senator from New Mexico.

Mr. ANDERSON. The question of public lands is one in which many of us in the West are greatly interested. It is all very well to say that it is desirable to dispose of them and is in the public interest, but there are some of us who remember other days. I was a relief administrator at a time when we had to move families out of northeastern New Mexico because it was in the drought area, a part of the dust bowl; and they were not moved out in very decent fashion. Such facilities as were available were used. I loaded families into boxcars, which was the only way there was to get them out of there, and moved them into valleys where they might live. Those people were moved in spite of the fact that the soil was under private ownership.

What happened thereafter? Four hundred thousand acres in northeastern New Mexico, northwestern Texas, and western Oklahoma were purchased by the Federal Government, and a fence was put around the land. Vegetation got a chance to grow again, and within a very few years there was grass on it 2 feet high. When that happened, the stockmen stood up and said, "The Federal Government does not understand how to manage this property. It ought to be returned to private ownership, in order that it may be properly utilized."

Mr. President, in the light of such experience it should be realized that private ownership of marginal lands is not the last word in human wisdom. While I am in favor eventually of putting as much land on the tax rolls as can possibly be done, I am also in favor of doing so under such conditions as will give assurance that another dust bowl will not be created within 20 years in the same spot. I may say further that the Government could recover every dollar, with interest, it paid for the land to which I have referred, for livestock men would like to buy the beautiful pasture which has resulted from that governmental activity.

Mr. DOUGLAS. I thank the Senator from New Mexico.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Montana.

Mr. MANSFIELD. I desire to express my entire approval of what the Senator from New Mexico and the Senator from Illinois have just said. I fear the day and the possibility of losing our forests and our national lands in the West, because what the Senator from Illinois has said is absolutely true. In my section of the country the annual rainfall is from 12½ to 13 inches a year, so my State and my area are semiarid. If we lose the national forests and national parks, we lose our lifeblood, and I fear that if the pending measure becomes law, the next step will be to take away from us these things which mean so much to our security and to our life.

Mr. DOUGLAS. I thank the Senator from Montana, and wish to say that I have similar fears.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. In connection with what has been said about the Federal Government, its ownership of vast lands, and their return to private ownership, I do not think that is a question here at all. The question in this debate is not whether we are going to give the ocean bed to private companies. I trust that is not so. If it is, then indeed, we are having something uncovered and disclosed here which I never believed was possible. What I understand the issue to be is whether the Federal Government, by the fact that it represents a nation of States, an unusual, unique quality of sovereignty, has a kind of unique ownership and dominion and primary interest in the offshore lands under the open seas.

It seems to me that is the issue, and the issue insofar as property is concerned is whether it shall be Federal ownership, as a trust for all the people of 48 States, or whether these properties shall be turned over to only a few States.

Let us consider the issue of States rights. The Senator from Illinois is defending the States rights of all 48 States. He is defending the States rights in this great open-sea area, which no one has really determined belongs to anyone, except that the Court has ruled that the Federal Government has a paramount interest in terms of sovereignty due to the international relations between nation-states. I submit that no one here can produce evidence that anyone really owns the land, except for the paramount rights of the Federal Government, in terms of national and international complications.

Mr. DOUGLAS. I thank the Senator from Minnesota for his comment, and I wish to say that, as I have listened to these many able remarks and have looked over my manuscript, I am struck by the fact that about all of the most beautiful thoughts which I had planned to develop later have been anticipated by those who have taken part in the debate.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG. In fairness, I believe the Senator from Minnesota misunderstood the position I took. He perhaps was not on the floor when the Senator from New Mexico suggested that if we are going to give certain submerged lands and their resources to the coastal States, he thought we ought to go ahead and give the mineral resources of the Western States to those States. I pointed out that he had offered an amendment in committee, which the junior Senator from Louisiana had not supported, to give those resources to those particular States.

Mr. HUMPHREY. Let me say to the Senator I am familiar with that argument. My point was that merely giving the resources to the States, by the Federal Government, still does not make it private property. My point, I may say to the Senator from Louisiana, was that he was appealing to emotions when he said that if the Federal Government had in the past pursued in respect to submerged lands the policy it wishes to pursue now, there would have been no private property. I say that is a nongermane argument. It has nothing whatever to do with the issue, because the issue is a question of whether a few

States, or all the States, shall have jurisdiction and control and ownership of the submerged lands under the trusteeship of the Federal Government. That is the issue.

STATE OWNERSHIP OF SUBMERGED LANDS IN GREAT LAKES CONFIRMED BY ANDERSON BILL

Mr. DOUGLAS. Mr. President, if I may resume, after an hour and a half of questioning, let me say that, in my judgment, these rights of the Lake States to the bottoms and beds of the Great Lakes were never questioned by the advocates of Federal control of offshore oil and are now guaranteed by the Anderson bill. Indeed, we have gone so far as to introduce a separate bill, S. 1252, disavowing any possible claim by the United States in the submerged lands under lakes, as well as rivers and harbors. If the inland States, therefore, want further reassurance, which they do not need, let them support S. 1252 without tying themselves up with the giveaway of the offshore properties as in the Holland bill.

None of the inland States should, as a matter of fact, sell their birthright of an equitable share in the offshore oil for the gold brick which has been offered them in return by the three coastal States. Their title to the submerged lands under the navigable inland waters has never been threatened and is now guaranteed by those of us who would also assert the rights of the inland States to share in the royalties from oil and gas drawn from the common property of the Nation, namely, submerged lands which lie seaward from the low-water mark, and which are under what may be termed the marginal or territorial sea. The representatives of the inland States should not burn their fingers raking chestnuts, which they will never eat, out of the fire for the three coastal States. Their place is with those who would defend the national interest of which they are a part. If the issue is properly understood, should not their Senators and Representatives support the Anderson bill and not the Holland bill? For the issue is not the submerged lands under inland waters. Those belong to the States and we would confirm rather than question their title.

I have been greatly struck by the complaints which have come from many of the advocates of the giveaway measure against our offering such further guaranties to the States.

These complaints have been made by the distinguished Senator from Texas [Mr. DANIEL] and, I believe, by other Senators.

These groups complain bitterly that by confirming the title of the States to the beds of rivers, lakes, and all inland waterways, we are splitting their ranks. This is apparently regarded as a heinous offense, and it is implied that those who would defend the rights of the Nation have somehow acted in an ungentlemanly manner and hit the other group below the belt.

In confirming title to the States, we treat all States alike. I have shown that the States of Louisiana, Florida, and Texas will be confirmed in title to far more submerged land, if a statute is needed, than will the State of Illinois. As a matter of fact, I think no statute whatsoever is needed. The decisions of the Court are sufficient. But if we do have a statute, the other States which I have mentioned will get far more out of it than will the State of Illinois. We will simply confirm previous decisions of the Court and not reverse previous decisions.

But the argument which has been advanced about splitting ranks assumes that the three coastal States have a vested interest in a misconception. No sane person would defend this. The interior and nonoil coastal States should not be dragged as hypnotized Trilbys behind the chariot of the three Svengalis. They have a right to know the facts of life and to break the hypnotic spell which has been cast upon them by the sorcerers.

3. NOR ARE THE BEDS OF BAYS AND HARBORS TO BE TAKEN OVER BY THE FEDERAL GOVERNMENT

While I do not wish to labor the subject unduly, Jefferson, as I shall later point out, said, in 1793, the jurisdiction over the rivers and bays was understood to be under the several States and that these were to be considered as landlocked within the body of the United States. The courts, as in the Waddell case, have repeatedly said these belong to the States. International agreements on this point have generally fixed 10 miles from headland to headland as the best test for marking out bays which are to be exclusively inland waters. This is made far more explicit and even broader by section 9 of the Anderson bill, which confirms State title in the submerged lands beneath inland waterways, and then in section 18, page 17, defines inland waterways as including "bays, ports, and harbors which are landward of the ocean." While the precise determinations of what constitute bays and harbors may perhaps be left to a Federal master in chancery and court, as has been followed in the case of the California coast, such a definition certainly includes historic bays, ports, and harbors, such as the harbors of New York, San Francisco, and Chesapeake Bay, Buzzards Bay, Mobile Bay, the Bay of Galveston, Long Island Sound, the Straits of San Juan de Fuca, Puget Sound, Gray's Harbor, and so forth. The submerged lands underneath these bays, ports, and harbors would belong to the States. It is also our aim to be extremely liberal to the city of Long Beach, Calif., which went ahead in good faith to develop offshore oil and which gets a large share of its revenues from royalties from the wells. Speaking for myself, I would welcome careful language which, while not opening the door too widely, would nevertheless protect the legitimate rights of Long Beach.

I invite the attention of the junior Senator from California, whom I see here, to that statement.

I submit that all this is done in S. 1252 and S. 107, and if assurance is needed on this point it is one of those bills and not the Holland bill which should be passed.

In short, it is about time that the States ceased to be frightened by false hobgoblins. Every legitimate right of the States and localities will be protected by the Anderson bill, and this is as true of the coastal as of the interior States.

4. JURISDICTION OVER FILLED LAND, SPONGES, OYSTERS, SHRIMPS, ETC.

This is another pumpkin jack-o'-lantern which has been set out in the window to frighten away the unwary. Thus it is claimed that if the Federal title to the offshore oil and gas is confirmed, then the Federal Government will shortly thereafter seize filled-in land which in the past has been built up out of the ocean and that it will also grab the sponges and oysters attached to the shallow bottom of the sea and claim the kelp which is either attached to rocks or is floating free.

I have a picture in my mind of the Federal Government, like Neptune, wading out into the sea, and seizing kelp and taking it away from the States. That is quite a picture. It is another chimera.

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HILL. Does the Senator think it is fair to leave out the lobsters?

Mr DOUGLAS. Some persons seem to think the Federal Government is going to grab the lobsters, too. This fear is thrown in in order to cause the Maine fishermen to worry.

I come to the question of filled land, as to which the Senator from Florida [Mr. HOLLAND] made a very fine argument a few days ago.

The communities which have filled in salt and fresh waters and built up land such as Boston, New York, San Francisco, and the seacoast towns and cities of Florida do not need to worry. In the first place, almost without exception, this is reclaimed land which has been built up from rivers, harbors, and bays and hence from inland waterways which were under State jurisdiction anyway. Secondly, once the waters have been filled in and have been replaced by land this is no longer an offshore bed of the territorial sea. Hence it is under local and State, not national jurisdiction. The courts have repeatedly held to this effect, and the Anderson bill makes this explicit. Thus sections 11 (a) and 11 (b) state that the United States will not only recognize past rights granted by the States or subdivisions for docks, piers, wharves, and filled-in and reclaimed right, but will give the States or their civil subdivisions the right to make such grants in the future. Once again S. 1252 makes this definite.

We should note that this applies to the future as well as to the past. If Florida wishes to rise like Venus Anadyomene from the sea, she may do so not only with impunity but with our blessings and with a clear title. Nor need Florida be worried by any possible seizure of her sponges, Maryland of its oysters, nor Maine of its kelp. For could anything be more explicit or sweeping than section 8 of the Anderson bill, S. 107, which specifically declares that—

The United States consents that the respective States may regulate, manage, and

administer the taking, conservation, and development of all fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life within the area of the submerged lands of the Continental Shelf within the seaward boundary of any State.

I now yield to the Senator from Florida for a question.

Mr. HOLLAND. I am sincerely grateful to the distinguished Senator from Illinois for yielding to us on these points. There is one question in his statement to which I desire to refer, because it goes entirely beyond anything I have ever found in the law of the case. The Senator said:

Once the waters have been filled in and have been replaced by land, this is no longer an offshore bed of the territorial sea. Hence it is under local and State, not national jurisdiction. The courts have repeatedly held to this effect, and the Anderson bill makes this explicit.

I wish to question the Senator specifically about the sentence:

The courts have repeatedly held to this effect, and the Anderson bill makes this explicit.

The Senator from Florida, after long research, has never been able to find that the courts have ever held that by merely filling submerged land which was a part of the seabed—and it was that to which the Senator was referring—the property automatically became part of the upland, and was no longer a part of the former seabed.

I should like to ask the Senator where he found that authority.

Mr. DOUGLAS. I thank the Senator from Florida. I wish to make a correction in my statement. I was thinking of the Pollard case, but it is true that the Pollard case, as I have again and again pointed out, dealt with inland waters. It concerned filled-in land of the Mobile River and Mobile Bay, and hence not land under the territorial sea. I wish to thank the Senator from Florida and say that that was an inaccurate statement on my part.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I thank the Senator from Illinois for his customary frankness. As I now understand he does not claim that his statement applies to all of the fills accomplished in areas such as the south shore of Long Island, the shore of Staten Island, the New Jersey coast near Atlantic City, the east coast of Florida, extending into the Atlantic, off Galveston Island, off Long Beach and Los Angeles in the Pacific, and many other places that could be mentioned, where fills have been made at a cost running into a total of billions of dollars. The Senator does not now contend that his statement, which he has just read into the RECORD, applies to all that tremendous mass of made values, does he?

Mr. DOUGLAS. I may say that this is a point which has not been previously covered by court decisions, but which is covered in the Anderson bill, sections 11 (a) and 11 (b). With the permission of the Senator from Florida, I should like to launch upon an informal discussion of those two sections.

Mr. HOLLAND. Mr. President, will the Senator yield for one further question on that point?

Mr. DOUGLAS. Certainly.

Mr. HOLLAND. Is it the Senator's philosophy that it is quite all right to enact new law and make a new gift or conveyance of a billion dollars in value, which the Senator concedes is not covered by existing law, to the States or other grantees, such as the States of New Jersey and Florida, and other States, but to withhold from States not so fortunate as to have that kind of development, but which have such frontages such as the State of Louisiana has, where another kind of value is found, the same generosity which the Senator is willing to accord to New York, New Jersey, Florida, and other States which have great coastal developments?

Mr. DOUGLAS. I may say to my good friend, the Senator from Florida, that in all those cases we have been concerned with values created not by nature, but by man's labor and man's investment of capital; and to recognize the rights of States and persons in land which has been filled in on the sea in the past is merely to recognize the investment of that labor and capital. That is very different from conveying to private persons, or to States, rights in natural resources which they have not created, and in which they have not made investments, but which have value in themselves as coming from God Almighty or from the beneficent forces of nature. There is a very real distinction between those points.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. The Anderson bill, which the Senator from Illinois approves, also includes, does it not, the right of public units of Government to continue freely that kind of creation of value in the future, without loss of their right to claim title once they have made such developments, although the Anderson bill withholds the same right from private industry and from the private holders of thousands of miles of ocean frontage?

Mr. DOUGLAS. I listened with great interest to the argument made by the Senator from Florida on this point 2 days ago. I thought he was drawing great conclusions from small bases of fact, but I was impressed with certain points which he made. If I may be permitted to discuss them, I should like to say that the Senator from Florida pointed out in debate that the provisions of section 11 of the Anderson bill are not quite so inclusive for the future, so far as filled-in land is concerned, as was the case in the past. That is correct. But the bill looks to the possibility of further congressional action and makes provision to expedite it on the only aspect as to which the bill's authorization for the future is narrower than is its recognition of past fill-ins and structures.

Let us examine its effect in detail. S. 107 does the following with respect to all rights to construct, maintain, use, or occupy structures such as docks, piers, wharves, or jetties in submerged lands and to all fill-in or reclaimed lands:

First, it recognizes and confirms the rights of public bodies and private persons arising out of past actions, both in the marginal sea and the inland waters and tidewaters. So all past fill-ins, whether by public bodies or by private persons, whether on inland waters, or on the tidelands of the open sea, are recognized. The entire past work is recognized.

Second, it recognizes and confirms all such rights of public bodies and private persons arising out of future construction or filling or draining in inland waters and tidewaters, by its confirmation of State ownership and control therein. Therefore, so far as inland waters and tidewaters are concerned, the rights both of public bodies and of private citizens in filled-in land are confirmed.

Third, the Anderson bill recognizes and confirms all such rights of public bodies arising out of future filling or the making or reclaiming of land for recreation or other public purposes in the marginal sea.

Now, fourth, as to private persons:

(a) It authorizes the Chief of Engineers to issue authorizations to "any person" in the future to use or occupy submerged lands of the marginal sea for the construction of such installations as I have mentioned; and

(b) It directs the Chief of Engineers within 2 years to submit to Congress his recommendations with respect to the use and occupancy of submerged lands of the marginal sea.

From this analysis it will be clear that only as to the rights of private persons to use and occupy the parts of the public domain that are located in or on what are now the submerged lands of the Continental Shelf is a prior step required before automatic Federal recognition is accorded. That step is an authorization from the Chief of Engineers, who has district offices at many convenient points in the country.

Perhaps the Anderson bill does not go far enough at this point. But until allowable uses and purposes and proper terms and conditions are in a general way fixed by the Congress, the bill permits such developments to proceed by authorization of the Chief of Engineers. He in turn is directed to give Congress the benefit of his recommendations within 2 years, thus expediting the future establishment of proper conditions and purposes by Congress.

The logic of this approach is that private persons should not be allowed to appropriate or use parts of the public domain without some prior attention to the intended uses and to the existing rights and uses of others, and without some decision by Congress or some Federal authority, as the representatives of the national interest, as to the terms and conditions upon which such rights should

be granted. Urgent projects can go forward with a green light from the engineers, whose approval is already necessary in any case where interference with navigation is involved. General rules by Congress are, therefore, contemplated to set the long-run pattern which will most effectively encourage desirable uses and occupancy by various enterprises.

While I have not previously consulted with the distinguished Senator from New Mexico [Mr. ANDERSON], the author of this bill, whom I now see in the Chamber, and have no power, of course, to commit him, let me say that so far as I am personally concerned I would be willing to approve a limited delegation of powers to local authorities to grant permits to private persons to fill in land on the waters bordering on the open seas, provided such improvements comply with a general public purpose and do not interfere with navigation, and provided the Corps of Engineers says that they do not interfere with navigation. So far as possible, the decisions of these points of a local nature should be decentralized.

I suggest that the Senator from Florida should exercise his great talents in perfecting the language of the Anderson bill, rather than seizing upon this small point in order to justify a measure which also turns over the rich treasures of oil and gas to the States. We solicit his cooperation in making this section of the Anderson bill more workable. We shall be glad to cooperate with him, and we hope that he will not strain at a gnat and swallow a camel.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I appreciate the candor of the Senator in recognizing the fact that the Anderson bill does not give any authority for the conveyance of title by the engineers, or for the conveyance of anything other than a right to proceed until Congress can hear a report 2 years from now and then take action.

I appreciate the implied candor in the Senator's remarks indicating that the Holland measure does effectively cover this point. He now admits that the Anderson bill does not, but makes a distinction which I think more clearly delimits the thinking of those who oppose the pending measure from that of those who support it than anything else that has occurred in the debate.

The opponents of the pending measure recommend a different solution, and attach a different importance to the procedure of building public improvements, as distinguished from private improvements. They are quite content to impose an intolerable handicap from this time forth unless the Congress takes effective action in the future to protect private industry, private initiative, and private building, which have already created billions of dollars of value in this very type of improvement.

So I congratulate the distinguished Senator. Let me repeat the statement made last year in the course of the debate on this subject. If we can only string out the debate far enough, I think before we reach the end our distinguished friends of the opposition will have yielded entirely their philosophy to ours, because step by step they have been going up the hill, until now they are beginning to get everything in their measure except oil and gas, making it very clear that the Senator from Florida was correct last year, and again this year, when he charged that this case is sought to be made wholly on the basis of an oil and gas measure, whereas Senators know full well that the vast majority of value has to do with values other than oil, and that most of the States are not affected in the slightest by the oil and gas question. However, all are affected by the other questions, which have to do intimately with the progress and development of every coastal community and State.

I thank the distinguished Senator.

Mr. DOUGLAS. Let me say to my good friend from Florida that the issue is 99.44 percent oil and gas. What my good friend from Florida has been trying to do is to float the 99.44 percent oil and gas in the 0.56 percent of filled land on the coastal waters.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not yet. We will deal with that 0.56 percent. I thank the Senator from Florida for bringing out this point. But we are not going to give away the Nation's heritage because of this mouse which the Senator from Florida has introduced in the form of the problem of future, potential filled land on the coast.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I wish to express my deep appreciation for the admission—almost a confession—by the distinguished Senator, that the measure which he sponsors, and about which he has spoken several thousand words and probably will speak several thousand words more, does not begin to meet this problem, but, according to his own measurement, meets it only to the extent of 0.56 percent.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. If the Senator from Florida wanted to meet that problem and many others, all he would have to do would be to continue to give away everything the Federal Government has. If someone is dissatisfied with the location of the Capital, give it away. That is a very simple solution, is it not? We are trying to keep from giving all these things away, and we have tried to place some safeguards around them. While we are speaking of safeguards, we are throttling development. All one has to do is to go to Florida and see if anything has been built in the past 25 years on filled-in land.

Mr. DOUGLAS. Or even in the past 5 years, since the California decision.

Mr. ANDERSON. Every State in the Union was put on notice by the filing of the Government suit. Every State in the Union was put on notice by the decision in the California case in 1947. If what has been contended here today were correct, there would not have been one public or private structure built on filled-in land since 1947, because any threat which exists now existed when the Supreme Court handed down the California decision. All one has to do is to look at the building permits in any one of the States to find the answer to that question.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I am wondering if the distinguished Senator from New Mexico can point to one single expensive pier which has been built since 1947 anywhere on all the 5,000 coastal miles of the United States.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. If I were to spend my time going up and down the coast of the United States trying to keep track of every single piece of private property, I would have no time to answer letters in my office. It is a good deal like the questions asked today. The distinguished Senator from Illinois [Mr. DOUGLAS] was asked if he knew that a particular line was in one of 60, 70, or 150 Supreme Court decisions. Of course he does not know, because he does not spend all his time reading Supreme Court decisions 100 years old. But I know that building is going on. The city of New York has been doing some development. Many other cities have been doing likewise. If all the threats which have been described existed, I do not believe that could happen.

Mr. DOUGLAS. Mr. President, I have now finished the second subdivision of my speech. I have 11 subdivisions. Having discussed what the issue is not, I should like now to discuss what the issue really is. The real issue is offshore oil and gas.

At this point I ask unanimous consent that the contents of the chart which I have on the easel behind me be made a part of the RECORD. I have had it so arranged that it can be printed. It summarizes in a tabular form some of the points I have been making.

The PRESIDING OFFICER. Is there objection?

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Clarification of submerged lands in dispute

I. SUMMARY OF ATTORNEYS GENERAL'S CHART: STATES' SUBMERGED LANDS

[Expressed in acres]

State	Inland waters	Great Lakes	Marginal sea
(States listed individually)	*(Acreages listed for all States)*	*(Acreages listed for 8 States)*	*(Acreages listed for 21 States)*
Total	28,960,640	38,595,840	17,029,120

Clarification of submerged lands in dispute—Continued

II. CLARIFICATION

State	State ownership conceded; this area not in dispute		Federal rights sustained; this is only area in dispute
	A. Tidelands, harbors, bays, filled-in lands, ports		B. Offshore waters
	Inland waters	Great Lakes	Marginal sea
(States listed individually)	*(Acreages listed for all States)*	*(Acreages listed for 8 States)*	*(Acreages listed for 21 States)*
Total	28,960,640	38,595,840	17,029,120

A. States' rights and titles in these submerged lands fully recognized and conceded in:
1. Government's first brief in offshore oil case (*U. S. v. California*).
2. Repeated statements of executive officers.
3. Numerous Supreme Court cases.
4. Express disclaimers in Anderson bill, S. 107 (secs. 2, 9, 11, 18) and also S. 1252.

B. Federal interest and rights asserted only here.
1. Three Supreme Court cases established paramount rights and full dominion and power of all 48 States.
2. Anderson bill, S. 107, authorizes development here only.

Mr. DOUGLAS. Mr. President, this chart shows the submerged lands in the States, the inland waters, the Great Lakes, and the marginal sea. It makes it clear, as the Supreme Court has declared in so many cases and as the Anderson bill confirms it, that State ownership of submerged lands under inland waters, bays, ports, and lakes, and tidelands is not in dispute.

III. THE REAL ISSUE IS THE OFFSHORE OIL AND GAS

Having stripped away so many false issues and shown them not to be involved in this controversy, what then is the real issue which is at stake. The issue is the oil and gas under the submerged lands seaward from the low-water mark. It is very simple.

1. WHO IS TO OWN OR HAVE PARAMOUNT RIGHTS TO THE OIL AND GAS IN THE OFFSHORE SUBMERGED LANDS SEAWARD FROM THE LOW-WATER MARK?

I was much struck with the fact that the eminent Senator from Oregon, the chairman of the subcommittee which brought out the bill, almost never mentioned the words "oil and gas" in his speech—except when he read one section of the bill. He seemed to be as squeamish about mentioning these realities as Victorians were in ever mentioning the lower limbs of women. But the oil and gas are there just the same, and they are what this struggle is all about.

Stated briefly, the issue is whether these immensely valuable rights shall continue to belong to the 159 million Americans in all of the 48 States or whether they shall be turned over to the citizens of only 3 or 4 States. This is what all the shooting is about.

2. THE AMOUNTS AT STAKE

Sponsors of Senate Joint Resolution 13 have repeatedly charged that the estimates of the amounts at stake made by those of us who are opposing the bill are grossly exaggerated. Instead, they declare that the Holland bill involves a present transfer of only the oil, gas, and other resources within the so-called historical boundaries.

The Senator from Florida day before yesterday referred to these estimates as fantastic, as grossly exaggerated, as so exaggerated as to make one shudder. I should like to deal with his contention now, and I am very glad he is in the Chamber.

IMMEDIATE CONCEDED LOSSES ARE GREAT

To this argument there are two answers: First, their estimated potential reserves of oil within the 3½-mile boundaries of Louisiana and California and the claimed 10½-mile limit of Texas total 2.55 billion barrels.[9] At $2.70 a barrel, the approximate present market price, this would have a total market value of $6.885 billion.

In my book, Mr. President, that is not "hay." The Senator from Florida is a thrifty man, and I like to see him pinch pennies. At times I have joined him in that effort. But he has certainly lost his sense of monetary values if he believes that nearly $7 billion does not amount to anything.

But that is not all. If estimated gas reserves of 9.25 billion thousand cubic feet within those same limits are included, at a price of 15 cents per thousand cubic feet, this would add another $1.3875 billion of market value. The total values within the so-called historical boundaries therefore are over $8¼ billion, even on the very low estimate previously referred to in debate by the Senator from Florida. At 12½ percent the royalties on this would come to over a billion dollars, and at 20 percent to more than $1.6 billions. This, in itself, is no small giveaway.

POSSIBLE TOTAL LOSSES ARE GIGANTIC

The second answer is that under the Holland bill no provision is made for the development of the balance of the Continental Shelf by the Federal Government. On the contrary the bill, as I shall argue and clearly show, expressly leaves the total shelf open to further boundary claims by the States and to further action by Congress approving such boundary extensions—section 2 (a) (2), 2 (b) and (4)—as I shall hereafter explain more fully.

Not merely the lands we have been discussing are at stake, but the whole Continental Shelf, in my judgment, is at stake, and the figures for the reserves on this Shelf are most relevant to this discussion.

Now let us take the figures for the Shelf as a whole, and I think the charts put into the RECORD yesterday or the day before are accurate in describing the Continental Shelf.

Looking first at the figures for oil, the Fuels Branch of the United States Geological Survey in February of this year fixed a potential reserve on the Continental Shelf off the coasts of Texas and Louisiana of 13 billion gallons and of an additional 2 billion off the coast of California.[10] At a market price of $2.70 a barrel this would have a market value of $40 billion. At 12½ percent, which is the minimum royalty the Government could collect, the royalties on this would come to $5 billion and at 20 percent, which I shall discuss later, $8 billion.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Texas.

Mr. DANIEL. The figures the Senator is giving are those for the entire Continental Shelf, as I understand. Is that correct?

Mr. DOUGLAS. There is virtually no oil north of Brunswick, Ga., I believe. The oil is confined to the gulf, plus that off the lower coast of California.

Mr. DANIEL. But the figures the Senator has given are not limited to the lands within the historic boundaries covered by the joint resolution, are they?

Mr. DOUGLAS. The Senator is correct.

Mr. DANIEL. The figures cover the entire Continental Shelf, do they not?

Mr. DOUGLAS. Yes.

Mr. DANIEL. In order that there may be no mistake, the Senator will concede that the Holland joint resolution restores to the States only lands within their historic boundaries, will he not?

Mr. DOUGLAS. I intend to make the argument on that point later, because it is my opinion that the joint resolution does not confine itself entirely to the historic boundaries, but that it opens the way for the whole Continental Shelf to be raided.

Mr. DANIEL. Will the Senator from Illinois concede that the intention of the authors of the joint resolution is to limit it to lands located within the historic boundaries, which constitute only one-tenth of the Continental Shelf?

Mr. DOUGLAS. It is not quite clear what the historic boundaries actually are. The term "historic boundaries" is a general phrase which, like an overcoat, may cover a multitude of sins.

Mr. DANIEL. The Senator does not doubt our sincerity in saying we are trying to limit the joint resolution to the historic boundaries, does he?

Mr. DOUGLAS. I have the highest opinion of the Senator from Texas and the Senator from Florida. I merely say we do not know what the historic boundaries are, and there is loose language in the joint resolution, which transfers ownership out to boundaries that may later be determined and to boundaries "as heretofore or hereafter approved by Congress," which may mean anything.

Mr. ANDERSON. Mr. President, will the Senator yield at this point?

The PRESIDING OFFICER (Mr. YOUNG in the chair). Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. DOUGLAS. I yield.

[9] See table I. Estimated potential oil and gas reserves of Continental Shelf landward of traditional State boundaries and for entire Continental Shelf. (Hearings on S. J. Res. 13, p. 584.)

[10] Potential Oil and Gas Reserves of the Continental Shelf Off the Coasts of Louisiana, Texas, and California—a statement prepared by the Fuels Branch, Geological Division, U. S. Geological Survey at the request of the Committee on Interior and Insular Affairs, hearings of S. J. Res. 13, pp. 581–584.

Mr. ANDERSON. I believe it is significant that when we were in the committee, trying to work out a final draft of this measure, I suggested an amendment providing that in no case should the historic boundaries be more than 3 miles into the Atlantic Ocean or the Pacific Ocean or more than 10½ miles into the Gulf of Mexico. However, our friends would not accept that amendment.

So, I believe the Senator from Illinois has a perfect right to be suspicious of where those boundaries finally will extend.

Mr. DOUGLAS. I am not suspicious of our friends, but I am suspicious of the joint resolution. [Laughter.]

Mr. ANDERSON. When we were discussing it, I said I was completely satisfied that the distinguished junior Senator from Texas [Mr. DANIEL] believed that was a satisfactory definition, so far as present circumstances were concerned. He was as fair and frank and upright about it as anyone could be. But 50 years from now a time may come when someone will rise and will say, "But we did not bind ourselves to a 10½-mile limit."

So I tried to have included a provision that there would not be included, as coming within the historic boundaries, more than 3 miles from the shores of the Atlantic or Pacific Oceans, or more than 10½ miles from the gulf coast. However, that provision is not included in the joint resolution, and we cannot get it in.

As a result, we wonder just how far the historic boundaries will extend.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I yield.

Mr. DANIEL. Does not the Senator from Illinois agree that the admission by the authors of the joint resolution and the admission by the Senators from that States affected, namely, that they do not contend that under the terms set forth in the joint resolution their historic boundaries extend more than 3 miles off the shores of the Pacific and Atlantic Oceans or more than 3 leagues off the coasts of Texas and Florida in the Gulf of Mexico, or more than 3 miles into the Gulf of Mexico in the case of the other States lying along that gulf—can be referred to by the courts in determining that we did not to intend to have the pending measure interpreted in such a way that the historic boundaries would be fixed farther than 3 miles or 3 leagues?

Mr. DOUGLAS. I should like to say that I have already pointed out that the Holland joint resolution makes no provision for the development of the remainder of the Continental Shelf by the Federal Government. If our friends had wished to provide that that area would never be taken from the Federal Government, they would have provided that the Federal Government could develop it. But there is no such provision.

On the contrary, the joint resolution leaves the Federal ownership of the Continental Shelf open to further reduction by the Congress in approving the State boundary provisions. Later on I shall discuss how such provisions could be attached, by "sleeper" amendments, to apparently innocent bills.

Mr. President, I have discussed the minimum estimate of 15 billion barrels of oil in the Continental Shelf off the shores of only three States. Texas engineers estimate gas, oil, and sulfur off Texas shores worth $80 billion.

Now let me take up the estimates of able engineers as to the situation in the case of Texas, the State so ably represented by the junior Senator from Texas [Mr. DANIEL]. I have those estimates before me, and I should like to read from them.

I hold in my hand a photostatic copy of the front page and a photostatic copy of page 3 of the Houston Post for October 26, 1952, in the height of the Presidential campaign. The Senator from Florida has spoken about the extremely exaggerated claims made by the opponents of the joint resolution. However, I now hold in my hand claims made by oil geologists who, I assume, are trying to get these deposits for the State of Texas. They were not members of the Americans for Democratic Action; they were not members of the Congress of Industrial Organizations; they did not publish their findings in the New Republic or The Nation. Their findings were published in the Houston Post—a newspaper owned, if I correctly remember, by a very able citizen of Texas who has had a great deal to do with national affairs. The editor of the Houston Post was a distinguished supporter of General Eisenhower in the last campaign, and is soon to become Secretary of Public Welfare. I should like to read some passages from the article. It begins as follows:

RICH TIDELANDS POTENTIAL CITED—ENGINEERS SAY ULTIMATE WORTH IS OVER $80 BILLION

Far from being of no economic importance, the submerged lands off the shore of Texas are reported to hold gas, oil, and sulfur worth an estimated $80 billion.

This "realistic forecast of the possible gross ultimate income" from the recovery of minerals under the offshore lands was made in a report issued Saturday by 18 Texas geologists and registered engineers.

I point out that the article was published on Sunday.

I read further:

The report said the evaluation was made because "a confusion has been established in the minds of people not only by the erroneous use of the term tidelands, but also by an attempt to establish these offshore submerged lands to be of no economic importance to the State of Texas."

I now skip some passages of the article.

A little later, in referring to the report, the following statements appear:

The engineers' report, pointing out that loss of the tidelands means a real loss of large sums of money to Texas and Texans, concludes with these words:

"If the ownership to these potential oil, gas, and sulfur reserves is seized and nationalized by the Government in Washington, it not only means the loss of this future income to the State school fund that will have to be replaced by taxes, but will also remove these taxable values as a source of future ad valorem income required to offset the declining oil and gas values of the existing fields located on the adjacent onshore unsubmerged land areas."

I shall be glad to hand this article to the junior Senator from Texas, so that he may see the statements of the oil geologists and engineers from his State.

Mr. DANIEL. Before the Senator from Illinois does so, will he make it plain as to whether the pending measure covers all the Continental Shelf or covers only the part within the historic boundaries? Will he make that point clear, so that those who hear his remarks will not leave the Chamber thinking that Texas is claiming all the area mentioned in the newspaper article?

Mr. DOUGLAS. I think the article refers to the entire Continental Shelf.

Mr. DANIEL. Correct; and nine-tenths of it is outside the scope of this measure.

Mr. DOUGLAS. I wish to say that Texas did its best to get the right to the Continental Shelf, because Texas first passed an act providing that she would have the area for a distance of 10½ miles off the shore, and later passed a measure providing that she would have all the area to the edge of the Continental Shelf. So if Texas is not able to have her control extend to the edge of the Continental Shelf, it will not be the fault of Texas. "Deep in the heart of Texas" is a desire to have the Continental Shelf. [Laughter.]

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. Could not the Federal Government, by accepting the joint resolution, automatically accomplish the desire of Texas?

Mr. DOUGLAS. I think it may.

Mr. ANDERSON. So it is right in the cards.

Mr. DANIEL. Mr. President, if the Senator from Illinois will yield to me, let me say that before the Federal Government ever made a claim to this land, the State of Texas did claim jurisdiction of the land beyond its historic boundaries to the edge of the Continental Shelf. The Supreme Court decided against us as to the ownership of that land.

The important thing now is not what we tried to do before but we are doing today. Please give us credit for the fact that we are not asking the Congress to restore to us anything except what is within our historic boundaries.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield to me at this point?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. Does not the Senator from Illinois think that would be a very good thing to bear in mind with reference to the Federal Government? We hear claims about how the Federal Government is trying to take the filled-in land, and those statements are made at the very time when representatives of the Federal Government are testifying that they do not want to take it. If Senators wish to give Texas credit for not trying to take the land out to the Continental Shelf or not trying to take the Continental Shelf—and I am very happy to give that credit to Texas—why not give the Federal Government credit for not trying to take the filled-in land?

Mr. HOLLAND. Mr. President, I wonder whether the Senator is trying to speak for the Federal Government.

Mr. ANDERSON. None of the testimony given this time by officials of the Federal Government indicates that they wanted to have the Federal Government take any of the filled-in land. The same is true of the testimony of the witnesses who appeared the last time. Mr. Perlman himself drafted language designed to give back to the States full rights in the filled-in land.

We have heard a great deal of argument about what Mr. Perlman testified as to the beds of the Great Lakes. However, he testified again and again that he would be glad to have Congress enact legislation confirming to the States the rights to the beds of the Great Lakes, if those rights could be confirmed. On the other hand, the enactment of legislation for that purpose is not needed.

Mr. DOUGLAS. The Texas engineers declared that the offshore oil potentials were equal to the onshore oil potentials, indicating that off the coast of Texas alone there would be 11 billion barrels, at a value of $29 billion.

I read further from the article:

> But, the engineers say, potential production from the offshore lands is much greater "because of its greater area, better reservoir conditions, and the full use of modern methods of recovery."
>
> Hence, the more "realistic forecast" is $80 billion.

They virtually doubled the estimate from the figures based on land discoveries alone. So a more realistic estimate would be that the offshore deposits which could be recovered are twice as great as the onshore deposits—thus giving a figure, for oil alone, of approximately 22 billion barrels, at a value of approximately $58 billion.

Mr. LONG. Mr. President, will the Senator from Illinois yield at this point?

Mr. DOUGLAS. I yield.

Mr. LONG. It seems to me that when there is discussion of these enormous figures, one should keep in mind that the figures reduce rapidly when we realize that the existence of a certain number of barrels of oil does not mean that the net return from that oil can be obtained by multiplying the price per barrel by the number of barrels.

For example, if we have $58 billion worth of oil, and grant a lease—the standard lease today—the lessor would net 1 barrel out of 8 in royalty, which would be the public revenue.

Mr. DOUGLAS. The Senator from Illinois is referring to these figures to show what the income would be on a royalty basis.

Mr. LONG. So——

Mr. DOUGLAS. Just one step at a time, I may say to my good friend.

Mr. LONG. I have in mind the figure of $58 billion. When we realize that there is an enormous cost in recovering the oil, it would mean that perhaps one-sixth or one-eighth would be paid as royalty, and the balance would go to the person who goes forth and gets the oil. The Senator also realizes that perhaps 90 percent, or at least 80 percent, of the oil is located beyond the historic boundaries of the State. Thus the Senator will find that his $58 billion figure will quickly reduce to about $1 billion.

Mr. DOUGLAS. I have previously stated the figures applying to oil and gas from within so-called historic boundaries. Because of the open door which the resolution leaves to State raids on the rest of the Continental Shelf, I am now summarizing estimates concerning the values involved there. I shall shortly introduce some figures to show what the amounts of the royalties would be. I may say if we take the minimum figure of $40 billion for the oil on the shelf, which I have mentioned here, a royalty of 12½ percent, which is a minimum, would be $5 billion. I cannot throw that out the window. And if the royalty is 20 percent—and I believe the State of Louisiana, through royalties, rents, and bonus payments, plus severance taxes, is now collecting more than 20 percent; and I shall shortly compliment the family of the Senator from Louisiana for doing this—that would be royalties of $8 billion on a minimum estimate of $40 billion, which I shall come to in a minute. So, even on a royalty basis, we are dealing with enormous sums.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Louisiana.

Mr. LONG. The Senator makes his first calculation on $40 billion worth of oil. He should make his second calculation with regard to Louisiana, for example, on the basis that 95 percent of the oil in the case of Louisiana is beyond its historic boundaries. If he will do that and then take 20 percent, he will then begin to see how much money is involved, so far as the State is concerned.

Mr. DOUGLAS. I think the Senator will find that the pending measure has loopholes which will permit the States to take ownership of and title to the submerged lands beyond what they now modestly term their historic boundaries. And, if the Senators from Louisiana, Texas, and Florida, will permit, I think we will adduce arguments to indicate that this joint resolution may open up the entire Continental Shelf. That is why I am now using these figures in regard to the Continental Shelf.

We have estimates not only by the 18 oil geologists and engineers from Texas, but we also have an intermediate estimate by an oil geologist by the name of L. G. Weeks, who published a year ago in the Bulletin of the American Association of Petroleum Geologists, an article which I hold in my hand, volume 34. I invite the Senators who have a different point of view to look at pages 1947 and 1953.

Incidentally, I looked up Mr. Weeks. He is a geologist for the Standard Oil Co. of New Jersey. So far as I know he is not a member of the Congress of Industrial Organizations, nor is he a member of the Americans for Democratic Action, the favorite whipping boys of those who favor Senate Joint Resolution 13. The Senator from Wyoming suggests, sotto voce, that he is probably not a member of the Democratic Party. I do not know about that. But I would say that he has a most impeccable big business background, and apparently the only people whose testimony cannot be questioned these days are the representatives of big business.

Mr. Weeks—and he is obviously a conservative man—on page 1952 estimates that the oil reserves of the continental shelves of the entire world amount to 400 billion barrels. I have searched the literature on the Continental Shelf question, and since approximately one-tenth of the continental shelves of the world lie off the coast of the United States, I think, to be precise, one-eleventh, but approximately one-tenth—the general estimate is that the oil reserves off the Continental Shelf of the United States are equal to one-tenth of the oil reserves of the continental shelves of the world as a whole. So, using this estimate of Mr. Weeks as a basis, there may be 40 billion barrels of oil in the Continental Shelf off the United States.

Mr. President, I know that the Geological Survey estimates that the larger part of this is off the coast of Alaska, but they reach that conclusion by taking their figure for the Gulf of Mexico and Lower California, and subtracting it from Weeks' total, and say that the residue is off Alaska. That is based on the assumption that their estimate for the Gulf of Mexico and for Lower California is correct, whereas it may be the minimum figure.

So, Mr. President, we have the Weeks' estimate of 40 billion barrels for the United States. I desire to emphasize that if we look at the statements of the Geological Survey, they say that it is virtually impossible that oil will be found at least north of the northern coastal boundary of Georgia; that oil will not be found from South Carolina north, and will not be found, indeed, for a portion of the Georgia coast. Now, if we take the Weeks' estimate of a 40-billion-barrel reserve in the American Continental Shelf, this would amount at present prices to $108 billion.

Mr. President, these are not the estimates of wild men, as the Senator from Florida implied 2 days ago. These are estimates at present prices, made by conservative geologists in the employ of large oil companies, writing in scientific journals; and if they submitted grossly erroneous or wild estimates, they would never be accepted for publication in scientific journals.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Florida.

Mr. HOLLAND. Has not the Senator overlooked the fact that he just said that 23.6 billion barrels of the estimated 37 billion barrels—not 40 billion barrels, if we take one-eleventh of 400 billion—lies off Alaska?

Mr. DOUGLAS. I said that the Geological Survey inferred that, but I do not say that the Geological Survey's inference is correct, because it is based on the assumption that their figure is a completely accurate figure for the gulf and for Lower California, and that therefore the residue must be off Alaska. That does not necessarily follow.

Mr. HOLLAND. Mr. President, will the Senator yield for one more short question?

Mr. DOUGLAS. Surely.

Mr. HOLLAND. Is it not true that, allowing for the 23.6 billion off Alaska, and dividing by 11, instead of 10, the Weeks' estimate so far as the continental United States is concerned, is almost identical with the estimates of the geological experts of the Department of the Interior?

Mr. DOUGLAS. Mr. Weeks made no estimate as to Alaska. He made an estimate for the entire Continental Shelf of the world. Figuring on the United States percentage of that total shelf at around 10 percent, this would produce 40 billion barrels, or $108 billion. Because our shelf is less than one-tenth of the total, I am willing to take off $8 billion; and $100 billion is still a great deal of money.

Mr. HOLLAND. Subtracting the 23.6, is not the remainder a little bit less than the estimate made by the able experts of the Department of the Interior?

Mr. DOUGLAS. I thought the Senator said the Weeks' estimate was for Alaska. The report prepared for the Interior Committee stated that the estimate based on Weeks' world figures of potential reserves in the Continental Shelf, contiguous to the United States and Alaska, would be approximately 40 billion barrels. So I do not think the Senator from Florida should scold me for using that term when the Geological Survey said that that was to be inferred.

Mr. HOLLAND. The Senator from Florida by no means scolds the Senator from Illinois. He is trying to get the Senator from Illinois to confine himself to sound figures, which amount to something like 14 or 15 billion barrels, rather than to the larger figure stated by Mr. Weeks, which covers both the offshore areas of the States and the offshore areas of Alaska, which the Senator says contain 23.6 billion barrels——

Mr. DOUGLAS. I did not say that. I said if we accepted the figures for the gulf and for southern California, we would get 23.6 billion barrels for Alaska. But that is an inference of the Geological Survey, not a statement by Mr. Weeks.

Furthermore, Alaska will become a State some day, and when Alaska comes into the Union are we going to give Alaska all the oil and gas off the coast of Alaska? If that should happen, then I want to say that the citizens of Alaska will each one have a private beach house and will dine on pâté de foie gras, and the hotels will far surpass the Shamrock Hotel in Houston.

Mr. HOLLAND. The Senator's imagination is highly appetizing, but I want to invite the attention of my distinguished friend to the fact that offshore lands of Alaska cover a wide Continental Shelf, and but a small part of it lies within 3 miles off the coast.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. As a matter of fact, has there ever been a barrel of oil discovered in the upper portion of Alaska?

Mr. DOUGLAS. Not yet.

Mr. ANDERSON. Is it not true that the Department of the Interior has granted an oil lease to one individual firm to explore for oil in another portion of Alaska? It has granted a million acres of land for exploration. The general rule for the development of oil is to grant 260 acres to a claim, and there would be no way in which the Secretary of the Interior could give a million acres. Any estimate that there are 23 billion barrels of oil in Alaska cannot be anything but the wildest imagination. The Continental Shelf off the seacoast of the United States is probably wider than it is off the coast of Alaska.

Mr. DOUGLAS. That was not my estimate. That was an inference of the Geological Survey, and not my statement. Mr. Weeks made no such statement whatsoever.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I am happy that my good friend from New Mexico [Mr. ANDERSON] has finally conceded that these estimates are the product of the wildest sort of imagination.

Mr. ANDERSON. If a statement is made it can immediately be twisted around. The statements by the experts were not that there are 23 billion barrels; but as soon as anyone says anything about it, there is great concern that a certain thing will happen, and that was stated in order to be sure that the people of Texas would be properly inflamed.

Mr. DOUGLAS. And it helped to carry Texas for General Eisenhower.

Mr. LEHMAN. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. LEHMAN. Even if the figures given by the Senator from Florida [Mr. HOLLAND] were correct, and there are 40 billion barrels to which Mr. Weeks has testified, there would still remain approximately 16 billion barrels of oil in the rest of the marginal waters, largely in the waters off the shores of the 3 or 4 States which now demand quitclaims. At current values of oil, it would amount to approximately $45 billion, which is not a sum that we can disregard or sneeze at. That would be the minimum.

Mr. DOUGLAS. I should like to emphasize the statement of the Senator from New York. The estimates cited relate to the Continental Shelf. The Weeks estimate is almost three times greater. The estimate of the oil engineers is much higher.

Mr. President, I now want to turn to an estimate of Dr. Pratt. Who is he? Was he a member of Americans for Democratic Action? I do not believe so. Was he a member of the Congress of Industrial Organizations? I do not think so. Was he a member of the Democratic Party? I doubt it. No; he is a former vice president of the Standard Oil Co. of New Jersey. He wrote in the Bulletin of the American Association of Petroleum Geologists, Volume 31, in a paper published in 1947, but apparently written in 1946, that he estimated the oil reserves of all the continental shelves of the world to be more than 1,000 million barrels, or approximately 500 times the world's annual consumption at that time. He apparently believed that one-tenth of these enormous world reserves would be found off the coast of the United States.

Mr. President, I ask unanimous consent at this time to include in the text of my remarks some of the scientific reasoning of this eminent executive of the Standard Oil Co. of New Jersey.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Dr. Pratt apparently believes that about one-tenth of these enormous world reserves are off the coasts of the United States. He states "the area and volume of the sedimentary rocks we have explored in this country constitute some 10 percent of the total which Weeks estimates allot to the sediments remaining on the entire land surface of the earth in which oil may reasonably be expected to occur. This volume of sediments is large enough to be representative and to make our experience in exploring it representative for the land surface of the earth. If it is also representative for the sediments of the Continental Shelf and Slope, then the estimated fifty to sixty million cubic miles of these sediments should contain about 20 times as much oil as the sediments we have been engaged in exploring in the United States." This would seem to indicate that Dr. Pratt was making a rough estimate that probably 10 percent of the total of 1,000 billion barrels would be off the coasts of the United States according to the ratio of sedimentary rocks explored in this country to the estimates of sedimentary rocks on the earth's land surface where oil could be expected to occur. This belief is confirmed by a further statement of Dr. Pratt that the Continental Shelf of the United States comprises 1 million out of the 11 million square miles of the continental shelves of the world. This would be a total of 100 billion barrels and a total value at present prices of $270 billion.

That Dr. Pratt thinks his estimates of the potential reserve may actually err on the conservative side is shown by a statement which follows his first estimate.[11] "If in the future," he writes, "we find additional stores of oil within the land area of the United States or if the sediments of the Continental Shelf are inherently better suited to petroleum occurrence than those within the land area of the United States, then the total for the region of the continental shelves should be correspondingly greater."

Mr. DOUGLAS. Mr. President, I also wish to say that if the reserves of the world are 1,000 million barrels, the reserves in the Continental Shelf off the United States are approximately 100 billion barrels, having a value, at present prices, of $270 billion.

My friend from Florida [Mr. HOLLAND] says only small figures are involved. My good friend from Florida has lost all sense of values.

Mr. TAFT. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the distinguished majority leader.

Mr. TAFT. Will the Senator tell me how much longer he will speak?

Mr. DOUGLAS. I have a manuscript of 52 pages. I am now halfway down page 14. I have been reinforced during the debate by copious drafts of tomato juice and had a good sleep last night, and I propose to fight it out on this line if it takes all spring.

Mr. TAFT. If the Senator wishes me to suggest the absence of a quorum, since his voice is becoming husky, I shall be glad to do so, and he can then go on and complete the reading of his manuscript.

[11] Pratt, op. cit., pp. 669–670.

Mr. DOUGLAS. It is very generous of the Senator from Ohio. The only question is whether I might lose my right to the floor.

Mr. TAFT. No; the Senator will not lose his right to the floor by yielding for the calling of a quorum.

Mr. DOUGLAS. Am I expected to continue speaking all the afternoon, or at the appropriate time will the Senator move to take a recess until tomorrow?

Mr. TAFT. I hope the Senator will finish today. If every Senator who speaks with reference to the joint resolution should take all afternoon, or until 5 o'clock, a long time will be required to finish the debate. I hope the Senator will finish his remarks today. I am perfectly willing to suggest the absence of a quorum.

Mr. DOUGLAS. I appreciate the courteous offer of the Senator from Ohio. May I ask whether, if I then resume, it will be regarded as a second speech?

Mr. TAFT. Not at all.

Mr. DOUGLAS. If it would not be regarded as a second speech, but merely as a continuation of my present remarks, that would be satisfactory. I wish to thank the Senator from Ohio. Such a respite would enable me to get a rest, perhaps change my shirt, and calm down somewhat. The suggestion is characteristic of the Senator from Ohio and is very decent of him.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FERGUSON in the chair). The clerk will call the roll; and, without objection, at the conclusion of the quorum call the Senator from Illinois may resume his statement without losing the floor, and his remarks will not be considered as a second speech.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gore	Millikin
Anderson	Green	Monroney
Barrett	Griswold	Morse
Beall	Hayden	Mundt
Bennett	Hendrickson	Murray
Bricker	Hickenlooper	Neely
Bridges	Hill	Pastore
Bush	Holland	Payne
Butler, Md.	Humphrey	Potter
Butler, Nebr.	Hunt	Purtell
Byrd	Ives	Robertson
Capehart	Jackson	Russell
Carlson	Jenner	Saltonstall
Case	Johnson, Colo.	Schoeppel
Chavez	Johnson, Tex.	Smith, Maine
Clements	Kennedy	Smith, N. J.
Cooper	Kerr	Smith, N. C.
Cordon	Kilgore	Sparkman
Daniel	Knowland	Stennis
Dirksen	Kuchel	Symington
Douglas	Langer	Taft
Duff	Lehman	Thye
Dworshak	Long	Tobey
Eastland	Malone	Watkins
Ferguson	Mansfield	Welker
Flanders	Martin	Wiley
Frear	Maybank	Williams
Fulbright	McCarran	Young
George	McCarthy	
Goldwater	McClellan	

Mr. CLEMENTS. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Missouri [Mr. HENNINGS], the Senator from North Carolina [Mr. HOEY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from Iowa [Mr. GILLETTE] is absent by leave of the Senate.

The Senator from Washington [Mr. MAGNUSON] is absent by leave of the Senate on official committee business.

The PRESIDING OFFICER. A quorum is present.

Mr. DOUGLAS. Mr. President, first let me again thank the majority leader for his courtesy in permitting me to a brief respite. I should like to continue from the point at which I stopped.

I had pointed out that if we take the estimate of Dr. Pratt of 100 billion barrels of oil on the submerged lands of the Continental Shelf of the United States, at present prices—and I am not projecting any future increase in prices—this would have a gross value of about $270 billion.

The Senator from Louisiana [Mr. LONG] has properly emphasized that we should take into consideration royalty figures. If we assume royalties of 12½ percent, the royalties would amout to nearly $34 billion. Twelve and a half percent is the minimum royalty permitted under Federal law. As a matter of fact, the royalties might run as high as 20 percent. I emphasize that the average royalties on offshore oil collected by the States of California, Louisiana, and Texas, according to the estimates which I could make, amounts to somewhere around 17 percent. They vary considerably from State to State.

I should like to emphasize that in my judgment the Louisiana royalties, or the amounts which Louisiana collects on offshore oil, are appreciably in excess of 20 percent and are higher than the other States. If we include the royalties plus the rents, plus the bonus payments, plus the severance tax, which I understand to be 18 cents a barrel, or around 6 percent, we get a total figure in excess of 20 percent.

I regret that the Senator from Louisiana [Mr. LONG] is not now in the Chamber, because I wish to say that the man who made possible the severance tax on oil in the State of Louisiana was the father of the distinguished Senator from Louisiana. Whatever other attacks may have been made upon the father of the present Senator from Louisiana, in the case of the oil tax be fought for the people. A large part of the opposition which was heaped upon the shoulders of the then Governor of Louisiana came from the fact that he believed the natural resources of the State should be used to improve the condition of the people of his State.

The severance tax which he placed upon oil financed the common schools, the building of roads, and the building up of the great State University of Louisiana. It is simple justice to say that in this respect the Long family conferred a great benefit upon the State of Louisiana, and in this respect set a model and a pattern which other States with great natural resources would do well to follow.

I mention this because it is simple justice, and because in this particular case the Senator from Louisiana is opposing the stand taken by the Senator from Illinois. It is therefore not unreasonable to assume that, with an alert Federal Government, as much as 20 percent might be collected in oil royalties, so the estimate of 20 percent is not a figure picked out of the air.

Thus far I have been speaking only of oil. But we also have gas and sulfur. The Fuels Branch of the Geological Survey estimates that there are 65 trillion cubic feet of natural gas off the coasts of Texas and Louisiana, and 3.5 trillion cubic feet off California. At a price in the field of 10 cents per 1,000 cubic feet this would have a value of $6.8 billion, while at a price of 15 cents the total value would be more than $10 billion.

I have in my possession a table prepared by the Federal Power Commission showing the average price in the field of natural gas. I see that my old friend and former antagonist, the distinguished junior Senator from Oklahoma, is present in the Chamber. As I mention the word "gas," he suddenly appears on the floor of this body.

Mr. KERR. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question or comment.

Mr. KERR. In the period of time that my great friend from Illinois evidently has been unaware of what was going on, or was playing the part of Rip Van Winkle, I have become the senior Senator from Oklahoma. [Laughter.]

Mr. DOUGLAS. Whether the senior or junior, the Senator graces the Senate with ability and ease.

I may say that perhaps as a result of laxity on the part of the Federal Power Commission, gas rates in the field have been going up.

Mr. KERR. Will the Senator yield?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. KERR. Did the Senator say "laxity"?

Mr. DOUGLAS. Yes.

Mr. KERR. How does the Senator spell it? [Laughter.]

Mr. DOUGLAS. It ends with the letters "t-y." I said "laxity." In any event, 15 cents a thousand cubic feet is an estimate of the amount now being received in certain fields for natural gas.

Mr. KERR. Will the Senator yield for a further question?

Mr. DOUGLAS. Certainly.

Mr. KERR. Does the Senator remember early in 1950 when the distinguished senior Senator from Illinois, then the junior Senator from Illinois, and the present senior Senator from Oklahoma, then the junior Senator from Oklahoma——

Mr. DOUGLAS. We have both been promoted, by the misfortunes of our colleagues.

Mr. KERR. There may be doubt in the minds of some as to whether or not the new status came about by promotion, but it has come about. Does the Senator from Illinois remember that I predicted, at the time, that if the bill I was sponsoring failed to become law the price of natural gas would be greatly increased?

Mr. DOUGLAS. The Senator predicted that, and I think he had a better impression of what the Federal Power Commission was likely to do than the Senator from Illinois had.

Mr. KERR. Will the Senator yield for a question?

Mr. DOUGLAS. Certainly.

Mr. KERR. Is the Senator aware of the fact that the bill to which I refer did not become the law?

Mr. DOUGLAS. It did not become statute law, but by action of the Federal Power Commission the control of the Federal Government over the sale of gas by nontransporting producers was not used, and in the Phillips Petroleum case the Federal Power Commission turned its back upon the intent of the President.

Mr. KERR. Will the Senator yield for an observation at that point?

Mr. DOUGLAS. Yes. I must say that I have gotten myself into something now. I had intended simply to discuss offshore oil, and once more I am renewing with my friend from Oklahoma the historic battle of onshore gas.

Mr. KERR. I see no more reticence on the Senator's part in doing that than I feel on my part in permitting it to be done.

Mr. DOUGLAS. I will take on the Senator from Oklahoma in good humor if he wishes to do battle on this point.

Mr. KERR. I remember that at that time I told the Senator from Illinois and the Senate and the consumers of the country the only way to provide an increasing abundance of gas to the consumer at continuing reasonable prices was by the enactment of the so-called Kerr bill. I remind the Senator that at that time the exhibits which he produced in the debate and which I produced in the debate indicated that the price of natural gas at the wellhead then was about 7 cents a thousand.

Mr. DOUGLAS. It is now somewhere between 10 and 15 cents.

Mr. KERR. Or greater.

Mr. DOUGLAS. I am glad to get that addition.

Mr. KERR. I reminded the Senator from Illinois at that time that unless the Kerr bill became the law of the land, those increases would take place.

Mr. DOUGLAS. Now, let me——

Mr. KERR. Just a moment, please, in order that I may finish. I know that through the months and years since then the Senator from Illinois has taken credit, and appropriately so, and has been given credit, for a major part in bringing about the veto of the bill. I remind him that the prediction I made at the time has been fulfilled as I made it.

Mr. DOUGLAS. Is the Senator making a speech in my time?

Mr. KERR. I asked the Senator if he would yield for a remark or two by me, and he said he would.

Mr. DOUGLAS. I will yield provided the Senator does not go on interminably.

Mr. KERR. I remind the Senator that it will get tougher and tougher.

Mr. DOUGLAS. Very well, let us continue.

Mr. KERR. The Senator has referred to a decision of the Federal Power Commission since that time.

Mr. DOUGLAS. In the Phillips Petroleum case.

Mr. KERR. In the Phillips Petroleum case.

Mr. DOUGLAS. Yes.

Mr. KERR. I remind the Senator, first, that that decision has been appealed, and is now in the appellate court of this district, undecided; that the decision of the Commission has been questioned and has not become even a final decision of the Commission. Therefore, I remind the Senator that his statement that that decision, which he knows is now on appeal in an intermediate court, has not even become the final judgment or decision of the Federal Power Commission, and therefore it could not have the dignity or the effect of a statute.

Mr. DOUGLAS. Mr. President——

Mr. KERR. I thank the Senator for this opportunity, and I shall be glad to continue the diversion at his pleasure.

Mr. DOUGLAS. Let me say, in reply to the Senator from Oklahoma, that the Kerr bill would have prohibited the regulation by the Federal Power Commission of the price of gas sold by a nontransporting producer. It would have prevented the regulation of the price by the Federal Power Commission so that by agreement between the pipeline and nontransporting producers a price could be fixed, and I contended that it would be a dictated price which would ultimately have resulted in a higher price for gas sold up country and downstream to the consumer.

The bill passed the Senate, but not by as large a vote as the Senator had hoped.

Mr. KERR. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not now.

Mr. KERR. Not by as narrow a margin as the Senator from Illinois would have hoped.

Mr. DOUGLAS. The bill passed the Senate and the House, though not by as large a majority as the Senator from Oklahoma had hoped. It went to the President. The President, I think, was for a time in somewhat of a dilemma as to what to do, but he listened to the voice of the people, very fortunately, and he vetoed the bill. The Federal Power Commission, therefore, had the authority to regulate the price of sales, in interstate commerce for resale, by nontransporting producers. But in the Phillips case they declined to exercise that authority, and they have not moved in subsequent cases. And while the Phillips case is on appeal, the Federal Power Commission has not utilized the authority it possesses. Therefore prices are going up in the field, and the Senator from Oklahoma, though defeated in legislation, has obtained his result by a failure to act on the part of the administrative tribunal.

Now, I am going to say something which is extremely injudicious politically, but I think in all candor it should be said. It is easy for a political party to make a record on legislation, but to negative legislation by failure to act administratively. While the President of the United States and the Democratic Party cannot be held responsible completely for the acts of an administrative tribunal, I wish to say that the failure in this case of the administrative tribunal to act is a grave reflection, in my opinion, upon my party and upon the Commission itself. The Senator from Oklahoma, although apparently defeated on the floor, in the final result bore off the laurels of victory.

Mr. KERR. Mr. President, will the Senator from Illinois yield to me?

The PRESIDING OFFICER (Mr. BARRETT in the chair). Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. DOUGLAS. Certainly.

Mr. KERR. Is the Senator from Illinois aware of the fact that the Commission to which he has thus referred in such grave censure and in tones of such grave doubt is a bipartisan commission, and that the decision referred to by my good friend was entered by four members of the Commission, two of whom were Democrats and two of whom were Republicans?

Mr. DOUGLAS. I am perfectly well aware of that.

Mr. KERR. I now ask the Senator from Illinois if the decision of the two Republican members of the Commission would reflect upon the Democratic Party.

Mr. DOUGLAS. Mr. President, the Senator from Oklahoma is a practical man——

Mr. KERR. I thank the Senator from Illinois. I would that my great friend, the Senator from Illinois, could say as much for himself. [Laughter.]

Mr. DOUGLAS. Well, it is a dubious distinction. I am trying to take a practical view of things, although not quite so practical, as the final result shows, as the view of the Senator from Oklahoma.

Mr. KERR. The Senator from Oklahoma has offered the Senator from Illinois a practical view time and time again. The Senator from Oklahoma has been unaware of whether the Senator from Illinois did not recognize it or did not want it.

Mr. DOUGLAS. Mr. President, to come to the decision of the Federal Power Commission, let me say that I rather think the Senator from Oklahoma might have had something to do with the appointment of some of the members of the Federal Power Commission.

Mr. KERR. Will the Senator from Illinois yield to me at this point?

Mr. DOUGLAS. Not at the moment.

I think the Senator from Oklahoma, with the great authority and influence which he exercised in my party and in the country as a whole, had something to do with the naming of those members. I have sometimes felt that he had something to do with the naming of the Republican members as well as with the naming of the Democratic members. A so-called bipartisan commission generally includes "tame" members of the opposition party.

Mr. HUMPHREY. Or "housebroken" members.

Mr. DOUGLAS. The Senator from Minnesota has suggested the word "housebroken." These members of the Commission were "gas broken."

Mr. KERR. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. Certainly.

Mr. KERR. The same authority upon whom my great friend, the Senator from Illinois, prevailed to veto that bill, over the adverse urgings of the Senator from

Oklahoma, was the one who appointed the members of the Commission, was he not?

Mr. DOUGLAS. That is correct.

Mr. KERR. Then will the Senator from Illinois tell this body who, as between the 2 of us, had the influence with the appointing power, and which of the 2 of us announced to the Nation that he had finally succeeded in prevailing upon the President of the United States, who was the one who appointed the Commission to which my friend has referred, to veto that bill?

Mr. DOUGLAS. I do not want to make this a struggle between myself and the Senator from Oklahoma. After all, I do not possess much influence, and I never thought I had the key to the White House. If I did, I lost it early in my stay here.

All I mean to say is that in the practical workings of history, the appointees made by the previous administration to the Federal Power Commission refused to exercise the power which was in their hands. The result was a great increase in the price of natural gas in the field. I lament that fact; but I wish to say that the Senator from Oklahoma won the final victory.

I may say that the one man who defended the interest of the public—namely, Commissioner Buchanan—has been denied reappointment, by the Senate. Who is denying it to him, Mr. President?

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield at this point?

Mr. DOUGLAS. I am glad to yield.

Mr. ANDERSON. Was not Leland Olds nominated to be a member of the Federal Power Commission, and did not the Senate reject his nomination?

Mr. DOUGLAS. That is correct.

Mr. ANDERSON. It seems to me that 15 Members of the Senate, including myself, voted to confirm his nomination.

Mr. DOUGLAS. Sixteen of us voted to confirm that nomination.

Mr. KERR. Mr. President, will the Senator from Illinois say to whom he was referring?

Mr. DOUGLAS. I was referring to Commissioner Buchanan.

Mr. KERR. Has the Senate had an opportunity to confirm or to reject the nomination of Mr. Buchanan?

Mr. DOUGLAS. No; I believe the nomination has been locked up in the Committee on Interstate and Foreign Commerce, and has not been allowed to reach the floor of the Senate.

Mr. KERR. Then the Senator from Illinois was in slight error when he said the Senate refused to confirm that nomination; was he not?

Mr. DOUGLAS. The nomination has been kept in the anteroom and never has been allowed to enter the parlor.

Mr. KERR. Has the President of the United States ever tried to open the parlor door for him?

Mr. DOUGLAS. Not to my knowledge.

Mr. President, I am not making a speech in condemnation of President Truman and in favor of General Eisenhower. I am simply trying to say that although I am a loyal Democrat, I do not wish to see blown into exaggerated proportions many of the arguments the Democratic Party in the past has brought forward as the defender of the common man.

I see my Democratic colleagues chilling as I say this; the temperature around here is falling. [Laughter.] But we might as well recognize the fact.

Mr. KERR. Mr. President, will the Senator from Illinois yield for another question?

Mr. DOUGLAS. I really have myself in hot water now.

Mr. KERR. If the Senator from Illinois will yield, let me say that, as I understood him, he said he was not making a speech for the Republican Party.

Mr. DOUGLAS. No; I am making a speech for the truth.

Mr. KERR. Is the Senator from Oklahoma incorrect in his belief that the Senator from Illinois is making a speech for the Democratic Party?

Mr. DOUGLAS. I certainly am not trying to make a speech for the Democratic Party. I am speaking of the gas case. In that case, the consumers were "rooked" by the increase in the price of gas in the field, through the failure of the Federal Power Commission to exercise the power it had. There is no value in concealing that fact. It is the stark, brutal truth, and the Senator from Oklahoma was correct in saying that the price of gas would rise even if his bill were defeated, because he had a more prescient view of what the Federal Power Commission would do than had the impractical and trustful Senator from Illinois.

Mr. KERR. Mr. President, will the Senator from Illinois yield at this point?

Mr. DOUGLAS. I yield.

Mr. KERR. Is there any insinuation in the remark just made by the Senator from Illinois?

Mr. DOUGLAS. No; not the slightest insinuation.

Mr. KERR. Not the slightest insinuation?

Mr. DOUGLAS. No; not the slightest insinuation. I said the Senator from Oklahoma had greater prescience.

Mr. KERR. The Senator from Oklahoma, being unfamiliar with the word, was uncertain as to its meaning.

Mr. DOUGLAS. The Senator from Oklahoma should not be suspicious. He was a schoolteacher, I believe—is not that correct?

Mr. KERR. Yes; that is correct. However, even so, I do not believe I recognized the word either by the pronunciation given to it or by the spelling which would have to follow the pronunciation.

Mr. DOUGLAS. The Senator from Illinois at times is cursed with imperfect pronunciation. The word is "p-r-e-s-c-i-e-n-c-e," which means ability to foresee the future—prescience.

Mr. KERR. Then I wish to thank my good friend, the Senator from Illinois, if that is what he means, because I was sincere and positive——

Mr. DOUGLAS. The Senator from Oklahoma certainly was positive.

Mr. KERR. I was sincere and positive in my statement to the Senator from Illinois and to the entire Senate and to the consumers of the country that the only way by which they could continue to have an abundance of gas at a reasonable price was by means of the enactment of a law which would enable the producer to be as free to sell his gas in interstate commerce as he was to sell it in intrastate commerce.

I wish to say to my good friend, the Senator from Illinois, that what has more than doubled the price of gas at the wellhead, as compared to what the price was at the time when I made that prediction, has been the development of a $3 billion to $5 billion chemical and fertilizer industry in the States where the gas is produced. That development has been made by the producers, in part, who thus found at home a market for their product, at a reasonable price, when they were denied by those following my good friend, the Senator from Illinois, the privilege which every producer in Illinois and every manufacturer in Illinois has, namely, the privilege of being as free to sell his product in interstate commerce as he is to sell it in intrastate commerce.

The producers of the Southwest, being thus compelled to find at home a market where they could obtain a reasonable price for their gas—by reason of the denial of the right to be free to sell it in interstate commerce—did find such a market, with the result which I predicted at the time, and which my friend, the Senator from Illinois, will now find to be a reality, if he will seek for it objectively.

Mr. DOUGLAS. I may say to my good friend from Oklahoma that it is not my purpose at the present time to fight again our battles of 3 years ago, but the pending joint resolution we are discussing is the offshore submerged oil measure. The measure over which we fought was one relating to the shipment of gas across interstate lines.

The Senator from Illinois is convinced that the principles which he, perhaps unworthily and inadequately, advocated on that occasion are correct, namely, that the transportation of natural gas is a monopoly because of the huge investment of capital required and the inability of transporting producers to shift from 1 group of field producers to another, that the 2 are indissolubly linked together; that therefore competitive processes do not operate; and, although we should have regulation of the price of gas where it is used, it is relatively ineffective if we have monopoly dictated prices of gas in the field.

It is not my purpose to fight that issue again, but I am convinced that the Senator from Illinois was correct, and that the veto of the President was wise. I only lament that the Federal Power Commission did not utilize the authority which it possessed, but allowed the Senator from Oklahoma to walk off with the cake. And, being something of a political bull in a china shop, I may say that my party must share some part of the responsibility in allowing the Senator from Oklahoma to win the victory. If this be treason, in the words of Patrick Henry, we shall have to make the most of it.

Mr. President, I believe I was on the subject of gas. [Laughter.]

SULFUR AND GAS ESTIMATES ADD TO OFFSHORE RESOURCES' VALUE

The Texas group of oil engineers made a minimum estimate that at a minimum there were 62 trillion cubic feet of natural gas under the submerged lands off the Texas coast alone.[12] At 10 cents per 1,000 cubic feet, this would be worth in the field $6.2 billion and at 15 cents $9.3 billion. It should be remembered, however, that the Texas group of geologists and oil engineers believed that the real deposits probably amounted to twice this amount.

Now, we have sulfur. The only estimate of the probable amount of sulfur among the offshore deposits which I have seen is that of the Texas group. They fix 121 million long tons as the minimum estimate and double this figure as the more probable amount. At $25 a long ton, this would come to values of three and six billion dollars, respectively.

BASIC REASONS FOR RICHNESS OF OFFSHORE RESOURCES

I now desire to turn to the question of why there are these large amounts of oil and gas offshore, and I confess, to begin with, that I am no more a geologist than I am a lawyer; but I have been delving into the history of oil, the location of oil, and the books about oil, and there are certain tentative conclusions which I should like to lay before the Senate.

There are two basic reasons why there are these large amounts of offshore oil and gas beneath the submerged lands of the Continental Shelf. In the first place, to the best of my knowledge, oil has never been found on land except where eons ago, there was the sea. It has always been found on past seabeds. It seems almost certain that oil is at least largely and perhaps wholly derived from marine organisms. These organisms are of two kinds namely (a) plankton, the microscopic plant upon which all marine life feeds and basically depends. That is the ultimate source of nutriment in the sea. Fish eat plankton, and then some fish eat other fish. But ultimately life depends upon the plankton, just as the life of man depends on chlorophyll.

Mr. KERR. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Oklahoma.

Mr. KERR. Is the Senator's last observation with reference to fish eating the fish limited to those of the sea?

Mr. DOUGLAS. I have thought it was sometimes true of political life as well, and sometimes true of intraparty struggles as well as interparty struggles. The smaller fellows meet up with larger fellows who set on them and bite them. They in turn meet up with still larger fellows, and so on, ad infinitum. [Laughter.]

Mr. KERR. In order to clarify the record, I should like to have my great friend from Illinois say that that does not apply to the Democratic Party.

Mr. DOUGLAS. Oh, no, it does not. That might be true of the other side of the aisle, but not of the Democratic side.

Most of us, I suppose, have read the fascinating book of Miss Carson, The Sea Around Us, in which she has written some very beautiful pages on the role of plankton. Miss Carson has also drawn a graphic picture of the almost infinite variety of fish, crustacean, and other life which dwells in the ocean and which frequently exists in enormous quantities. These forms of life have their brief cycle and at the end fall to the bottom of the sea. There in due time, they and plankton add their quota to the stocks of oil. This gives a picture of the almost infinite time required for the creation of this oil, and the tremendous time schedule upon which the world is operating.

If oil fields on the land are therefore on prehistoric ocean beds from which the sea receded hundreds of thousands and indeed millions of years ago, how much more oil is there likely to be under the Continental Shelf where for a much longer period of time, running into the many millions of years, there have been the continual accretions of plankton and the denizens of the sea? In other words, the sea vanished from the land hundreds, thousands, millions of years ago, and yet the sea has left behind the oil from these microscopic vegetable plants, from past fish and crustaceans that were deposited hundreds of thousands and millions of years ago. But on the present Continental Shelf there has always been the sea, so that in the past hundreds of thousands of years, and millions of years, during which the sea has receded from the land, continuous deposits of plants and fish, crustaceans, and so forth, have been formed on the bottom of the ocean, adding their drops, which have swollen to make up this 15 billion or 40 billion or 100 billion barrels of oil. In the midst of our discussion I think we should be struck with awe at the processes of nature over enormous periods of time, microscopic creatures creating these enormous riches and treasures, which now would be appropriated to the benefit of 3 or 4 States. I think they take too much credit for what the Lord has done for them in this connection.

Secondly, there has been a large degree of seepage of oil out from underneath the fields in the Mississippi Valley to the submerged lands in the Gulf of Mexico and from the fields in California to the offshore subsoil there. This seepage would be especially great for the Gulf of Mexico. For the overwhelming proportion of the oil which has been found in this country has been in the heartland of America, between the Appalachians and the Rockies, which Brand Whitlock called the great valley of democracy and of the Mississippi. As the waters of this region flow to the gulf, so may some of its oil deposits have oozed gently southward to a resting place on the Continental Shelf, which has been built up offshore. We are therefore dealing with incalculable riches, mystifying and indeed awe-inspiring in their nature. They range, even at present prices, from a minimum of forty to fifty billion dollars to as much as $300 billion, if we include the gas and oil.

This concludes the third section of my remarks, and I am ready to yield for questions.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am very glad to yield.

Mr. DANIEL. By the way, if the Senator should include the entire Continental Shelf instead of merely the one-tenth within the historic boundaries covered by the pending measure, would not that be a correct addition to the Senator's statement?

Mr. DOUGLAS. I may say I think the estimate which the Senator from Florida quoted was that one-sixth of the oil of the Continental Shelf is assumed to lie within what the Senator from Florida alleges to be the historical boundaries of the coastal States.

Mr. DANIEL. Yes. I was speaking of the area as being one-tenth; which is correct, I believe.

Mr. DOUGLAS. The fraction of one-tenth relates to the proportion of the world's Continental Shelf which is off the coasts of the United States. In estimating oil potential within so-called historical boundaries, the Senator from Florida estimates it as one-sixth of the oil on the United States Continental Shelf.

Mr. DANIEL. That is in direct contradiction of the Senator's last statement.

Mr. DOUGLAS. I want to challenge the contention that the resolution confines itself merely to 3 miles or 16½ miles off the coast. It opens the way for much wider claims upon the Continental Shelf than that. I shall argue that point later; not today, but I hope it will be tomorrow.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I should like to correct one point. The estimate referred to was not the estimate of the Senator from Florida, but was the estimate of the two chief geologists in the employ of the United States.

Mr. DOUGLAS. I was correct, in fact——

Mr. HOLLAND. The Senator was correct as to his figure, but not correct as to the source of the estimate.

Mr. DOUGLAS. I thank the Senator.

Let me turn to the fourth section of my speech. It is not necessary for me to repeat that I am not a lawyer, but such is the fact.

IV. THE LEGAL HISTORY OF OFFSHORE OIL

Since we are not a judicial body, perhaps I should content myself with a very simple statement. The Supreme Court in three successive cases has ruled that the Federal Government has paramount rights in the oil and gas deposits which lie offshore under the submerged lands seaward from the low-water mark. Thus, in the California case which it decided in 1947, and in the Louisiana and Texas cases which it decided in 1950, the Court held that the coastal States had never possessed any legal rights to these submerged lands in the sea beyond the low-water mark and that this mark was the dividing line between State and Federal control. Inland from the low-water mark and under inland waters the States had ownership and control in the submerged lands while seaward the rights

[12] Houston Post, October 26, 1952, p. 3.

of the Federal Government were supreme so far as the submerged land was concerned.

Moreover, within this seaward belt or what is sometimes called the territorial sea or the marginal sea the Supreme Court said that the paramount rights of the Nation took a double form. Using the Latin terms so beloved by legalists, I sometimes suspect to shield their meaning from the laity, the Court upon occasion said that the Nation and the Federal Government had dominium et imperium over these submerged lands. Now "dominium" means ownership and "imperium" means sovereignty, control, or power. Therefore, in effect, the ruling of the Court was that the Federal Government had ownership of plus control over these offshore submerged lands. I would like to emphasize this point. The rights of the Federal Government were ownership plus and not ownership minus, even though the Supreme Court in a later decree merely used the phrase "paramount rights." Under the rulings of the Court the Federal Government and not the coastal States of California, Texas, and Louisiana had the right to grant leases for drilling oil and gas wells under the submerged land seaward from the low water mark and to collect royalties and fees for so doing.

The Holland bill would cancel these decisions and turn over a large share of these priceless rights to the three coastal States and others off whose shores oil may be found. But since no oil has been found on the land east of the Appalachians, the prospects of finding oil on the Continental Shelf north of Florida are very meager. In practice, therefore, the issue is likely to be confined to the Gulf of Mexico and to California and primarily centers upon the claims of the 3 or possibly 4 States in question as against the rights of the Nation as a whole. If Alaska is admitted as a State, it, too, will share in the gain. And what big slices those will be for its scanty population.

The attitude which many Senators and Congressmen adopt toward the Supreme Court is most interesting. They are commonly full of praise of the general wisdom of the Court. This praise rises to a paean when the Court makes a ruling of which they approve. In these cases, those favoring the decision frequently introduce legislation to make the Court decisions statute law, thus indicating that while they approve of the present Court, they are fearful about a future Court. But when the Court hands down decisions of which certain legislators do not approve, there is also a common tendency on the part of many of these same Senators to denounce the Court and to introduce legislation designed to reverse its decisions and to permit groups to do by statute law what has been denied them by judicial decisions. Frequently, it happens that the very men who praise the Court on one Monday when decisions are handed down, will revile it the following week.

The tendency has therefore been growing for Members of Congress to regard themselves as a sort of a super-Supreme Court. Those decisions of the Court of which they approve, they then seek to reaffirm by statute. Those of which they disapprove they try to reverse by statute. Since there is also a similar tendency for Congress to take on the administrative work of the President and to tell him in many cases precisely what he should do, perhaps we are moving backward into the days under the Articles of Confederation when the Continental Congress was supreme and operated without either an executive or a judicial branch of government.

The results at that time were not the happiest. In fact, they were so poor that the Constitutional Convention of 1787 added an independent executive and judiciary as coordinate branches of government to the legislative branch. I think we should be chary in disturbing the balance between these branches, for the Government of the United States is certainly superior to the old Confederation.

I recognize, of course, that this balance and delimitation of function between the branches of the Government is a delicate one and that the Supreme Court, like Congress, can certainly go wrong upon occasion. I do not believe that the Supreme Court should set itself up as a super-Congress and declare as unconstitutional laws which we pass, simply because the Justices do not like them. The Court did altogether too much of this in the 1920's and up to 1937, when it repeatedly declared social-welfare legislation unconstitutional because, in the judgment of the judges, it violated the vague and elastic due-process-of-law clause of the 5th and 14th amendments. But that body has finally adopted the standard of judgment so long advocated by Justice Oliver Wendell Holmes, namely, that the Court should not declare legislative acts unconstitutional under the 5th and 14th amendments if reasonable men could believe there was a necessary connection between the public health, safety, and morals and the act in question. Holmes was insistent that judges should not confuse their identity with God and should not assume that they were the only reasonable men.

I approve of this self-restraint on the part of Justice Holmes and of his judicial brethren and I rejoice in its triumph, which I hope may be more than temporary. I believe that a somewhat similar sense of self-restraint would be becoming on our part. When, in the absence of congressional legislation, the Supreme Court interprets the common law, the law of nations, or the Constitution, in the passing of laws we should be chary as legislators about rushing in to reverse them. We should be willing to credit the Supreme Court with knowing more about these branches of the law than we, and we should be inclined to believe that they are at least reasonably reasonable men who can normally be trusted not to go off their base.

Therefore, just as the courts should give the legislature the benefit of the doubt in interpreting and passing upon statutory law, so should we legislators give the courts the benefit of the doubt in matters about which, as in this case, we have not previously legislated.

Senators may remember the following verse from Gilbert and Sullivan's Iolanthe:

> And noble statesmen do not itch
> To interfere with matters which
> They do not understand,
> As bright will shine Great Britain's rays
> As in King George's glorious days.

I may say that we should not always itch to interfere with matters which we may imperfectly understand.

It is the function and responsibility of the Court, under our plan of separation of powers, to decide such contests. Unless we intend to make basic changes in our constitutional structure, we should be slow to make Congress a kind of House of Lords or perhaps a "court of endless appeals" by simple preemption of such powers.

Now, I would not disparage the wisdom of Congress nor do I subscribe to the frequent satirical cartoons about our physiques and our acuteness. As a matter of fact I am a loyal, if somewhat new Member, and I resent these slurs. But when we are tempted to play God and to take over the jobs of the President and of the Supreme Court, should we not listen to the little voice within us which may repeat the advice which George Fox gave to Oliver Cromwell: "Believe it possible, by the bowels of Christ, that you may be mistaken."

In short, I believe we should only reverse the thrice repeated decisions of the Supreme Court if we can honestly hold that reasonable men could not properly come to the conclusion that the Federal Government has paramount rights in the offshore oil and gas lying beneath the submerged lands seaward from the low-water mark.

I submit that whatever may be our personal predilections and prejudices we cannot properly pronounce the opinions of the Court to be those which reasonable men cannot entertain. On the contrary, they seem to me to be very reasonable indeed.

I cannot pronounce to be unreasonable that which seems reasonable to me. But even if Senators disagree with the decisions, certainly they will have to admit that a reasonable man could hold opinions which the Court held.

Without pretending to be either a legal or a constitutional scholar but solely to see if reasonable men such as we believe ourselves to be can pronounce the members of the Court to be unreasonable, may I briefly sketch the legal controversy as I understand it?

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I have noticed that the Senator from Illinois several times has referred to the Court—meaning the Supreme Court—in such words as these, which I quote from his statement:

> We should be inclined to believe that they are at least reasonably reasonable men.

When the Senator uses the term "reasonably reasonable men," I wonder whether he is applying it to the 4 members of the Supreme Court who voted one way in the Texas case, or to the 3 members who voted the other way. Which were the reasonably reasonable men?

Mr. DOUGLAS. The decision of the Court was the decision of the majority. The Court spoke through the majority. Therefore, the decision of the majority was the decision of the Court.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. No; I wish to finish my statement.

The question is whether the Court, speaking through the majority, can be held to be unreasonable. Could not reasonable men conclude as the majority concluded?

Mr. HOLLAND. Mr. President, will the Senator now yield?

Mr. DOUGLAS. Certainly.

Mr. HOLLAND. Does not the Senator believe that the Senate or Congress is within its discretion and judgment in believing that the 3 men, rather than the 4, were reasonably reasonable men?

Mr. DOUGLAS. The point I am trying to make is something different from that. I am merely saying that we should not lightly overturn a decision of the Court which reasonable men can hold to, especially when there has been previously no ruling or decision on this question. Congress had not passed any statute. The Court was interpreting the law of nations. I submit that on the question of the law of nations and international law, the justices of the Supreme Court, on the whole, were more competent than Members of the Senate.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I hope the Senator from Illinois appreciates the fact that the Senator from Florida has again selected his evidence, as is his privilege, because the case to which he has referred is the case of United States against Texas, or Texas against the United States. I recall that as of yesterday the distinguished junior Senator from Texas [Mr. DANIEL] reminded me that in that case Texas did not even have a chance to present the evidence. So apparently even without the Court's having had a chance to hear the evidence, as the Senator from Texas pointed out, the decision was still 4 to 3. But in the California case the evidence was presented to the Court in volumes, and the Court did examine the evidence. What was the decision in that case?

Mr. DOUGLAS. Six to two.

Mr. HUMPHREY. I submit that a 6 to 2 division is a little more persuasive than the 4 to 3 count in the Texas case.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I feel certain that the Senator from Minnesota would not want a complete misstatement of the situation to appear in the RECORD.

Mr. HUMPHREY. No, indeed, I would not.

Mr. HOLLAND. The fact of the matter is that in the California case there was no request for a hearing, there was no hearing, and there was no production of evidence. The statement of the Court in the Texas case specifically reiterates that fact.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. Again, we get into legalisms. The Senator from Minnesota is talking about documentation, data, facts, and information given to the Court. In the legal sense of the rules of evidence, or in terms of evidence, as the Court would refer to such things, there was no production of evidence before the Court. But, surely, there was documentation. I believe I have seen three volumes of such material. Were there not at least three volumes of material presented in the California case, in the form of briefs, which the Court did examine? In its examination, the Court went through the whole question of the rights of the Federal Government as against the rights of the State.

Again, lawyers get into arguments about what constitutes a brief, what is evidence, and what are pleadings? From the point of view of a citizen who is not a graduate of Harvard Law School or of any other law school, what I am saying is that the Court had before it information which the members of the Court could study for the purpose of rendering a decision. However the labels may have appeared on it, the information was there.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield.

Mr. HOLLAND. I simply wish to read for the information of the distinguished Senator from Minnesota a sentence from the opinion of the Court in the Texas case, which the Senator will find on page 7. It is a short, terse sentence, and states the situation more clearly than I could state it:

> In the California case neither party suggested the necessity for the introduction of evidence.

Mr. HUMPHREY. When the Senator speaks in such terms, he is speaking in legal terms. I submit that there was plenty of informational material presented to the Court for the Court to review. The Government made its case, as did the defendant.

Mr. ANDERSON and Mr. DANIEL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and if so, to whom?

Mr. DOUGLAS. I yield first to the Senator from New Mexico.

Mr. ANDERSON. I do not know to what that particular sentence refers, but I do know that the Supreme Court took the position that it was not necessary to review volumes of evidence as to what the boundaries of various States had been. The Supreme Court was not trying to define boundaries; it was trying to establish title, and it rejected volumes of evidence dealing with boundaries, because boundaries are not the same as titles.

There has been a great deal of discussion about what may lie within the historic boundaries of the State of Texas. I understand that in Houston there is a newspaper publisher, and the distinguished Senator from Illinois was quoting from a Houston newspaper that the newspaper plant was within the boundaries of the State of Texas, but did not belong to the State of Texas. The publisher said that the plant belonged to him.

What the Court did in this case was to refuse to deal with the question of boundaries. It threw out and refused to consider evidence as to boundaries, because boundaries were of no importance then. The important question was, Who had title?

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. DANIEL. As the attorney who represented the State of Texas in the lawsuit which is now being discussed, I should like to have an opportunity to say that the Court was asked to hear the evidence that we had accumulated over a 2-year period, including all of the acts, all the documents, and all the written material, both on the part of the United States and on the part of Texas, showing that it was the intention of the contracting parties that Texas should retain all the lands lying within its limits, both dry lands and submerged lands. The Court denied us the right to introduce that evidence.

The difference between the pleadings and evidence is not a difficult thing for a layman to understand. The pleadings were simply the petition which was filed by the Government against us, and then our answer. Both very brief documents. We then filed briefs saying that the Court ought to hear evidence.

In order that the Senator from Minnesota might clearly understand the difference, I will say that I laid before the Supreme Court two large cardboard boxes of evidence that I desired to introduce before a master, or to have examined, before the Court decided the case against my State. Nothing contained within those two large cardboard boxes, none of the documents, none of the evidence, was heard by the Court before it rendered its decision against my State. The evidence I sought to introduce had nothing whatever to do with boundaries.

It had to do with the interpretation of the solemn contract entered into between the United States and Texas, which said that Texas should retain all the vacant and unappropriated lands lying within its limits. So I would not want the RECORD here today to have any question in it about whether or not the Court heard the evidence in the Texas case. I tried for 2 long hours, in an argument to the Court, to get the Court to hear the evidence; and by a 4-to-3 decision the Court denied my State the right to introduce evidence, for the first time in the history of that Court in a contested lawsuit in which a State was a party, pleading with the Court to hear the evidence.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I should like to read from the Texas case, with which, of course, the Senator from Texas is very familiar. I recognize his expertness in this field, since he was the attorney before the Court. I read from the Texas case:

> In the California case, neither party suggested the necessity for the introduction of evidence (332 U. S. 24). But Texas makes

an earnest plea to be heard on the facts as they bear on the circumstances of her history which, she says, sets her apart from the other States on this issue.

The Court in original actions, passing as it does on controversies between sovereigns which involve issues of high public importance, has always been liberal in allowing full development of the facts. *United States* v. *Texas* (162 U. S. 1), *Kansas* v. *Colorado* (185 U. S. 125, 144, 145, 147), *Oklahoma* v. *Texas* (253 U. S. 465, 471). If there were a dispute as to the meaning of documents and the answer was to be found in diplomatic correspondence, contemporary construction, usage, international law and the like, introduction of evidence and a full hearing would be essential.

We conclude, however, that no such hearing is required in this case. We are of the view that the equal-footing clause of the joint resolution admitting Texas to the Union disposes of the present phase of the controversy.

The equal-footing clause has long been held to refer to political rights and to sovereignty.

Mr. DANIEL. But not to property.

Mr. HUMPHREY. I am very glad the Senator added that. Continuing, the Court said:

Yet the equal-footing clause has long been held to have a direct effect on certain property rights. Thus the question early arose in controversies between the Federal Government and the States as to the ownership of the shores of navigable waters and the soils under them. It was consistently held that to deny to the States admitted subsequent to the formation of the Union ownership of this property would deny them admission on an equal footing with the original States, since the original States did not grant these properties to the United States but reserved them to themselves.

Then the Court discusses the Pollard case. The Court further stated:

Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Today the controversy is over oil. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of lowwater mark, its use, disposition, management, and control involve national interests and national responsibilities.

Why should I try to enlarge upon this statement? The Court listened to everything the Senator from Texas has referred to in terms of this argument.

Mr. DANIEL. I do not see how the Senator from Minnesota can read from the Supreme Court decision, which says that it will not hear the evidence and make such a statement. I do not care what reason the Court gave as to why it was not necessary. The Court said it was not necessary because of the equal-footing clause. Because of that clause it said it was unnecessary to hear any evidence. Whatever reason the Court gave, the point is that it did not hear the evidence.

Had the Court heard the evidence, it would have heard and seen written documents which showed that the equal-footing clause was no part of the Texas annexation agreement. The nearest it ever came to being mentioned was in a document written by the negotiator for the United States Government. The words "equal footing" had been written into the document carrying the proposal of the United States, but the negotiator himself had stricken the words "equal footing" and substituted "the most favorable footing." That is the only time we find the words "equal footing" mentioned in the negotiations. The Court did not hear all I am telling the Senator about now. The Court heard not one word of evidence as to what "equal footing" was understood to mean by the contracting parties.

We had plenty of evidence which we could have shown the Court, to the effect that the Members of the United States Congress and the members of the congress of the republic of Texas never had any idea that equal footing would be interpreted 100 years later in such a manner as to take away from Texas 2 million acres of land which it was specifically agreed Texas should retain.

Mr. HUMPHREY. Mr. President, will the Senator from Illinois further yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I say to the Senator from Texas that upon the occasion when the Senator from Minnesota addresses himself to this subject he will go into the subject of equal footing, if not with as much eloquence, at least with as much determination and perseverance as the Senator from Texas has approached it.

Mr. DANIEL. I shall be glad to have the Senator do so.

Mr. HUMPHREY. I think the Court handled this matter rather fairly and definitely when the Court said:

Texas in 1941 sought to extend its boundary to a line in the Gulf of Mexico 24 marine miles beyond the 3-mile limit and asserted ownership of the bed within that area. And in 1947 she put the extended boundary to the outer edge of the Continental Shelf. The irrelevancy of these acts to the issue before us has been adequately demonstrated in *United States* v. *Louisiana*. The other contentions of Texas need not be detailed. They have been foreclosed by *United States* v. *California* and *United States* v. *Louisiana*.

The motions of Texas for an order to take depositions and for the appointment of a special master are denied. The motion of the United States for judgment is granted.

All I am saying is that I am of the opinion that the Supreme Court, with its background and history, with the precedents before it, in the light of legal doctrines, and with dozens of cases which it obviously had at its disposal for purposes of arriving at a present-day decision, had all the information the Court would ever need in terms of determining what "equal footing" means.

Texas can make all the special claims she wishes, but the Supreme Court of the United States seems to believe that every one of the 48 States is in the Union on the basis of an equal footing.

The Court goes on to point out that no State has the right to infringe upon national sovereignty. In the case of submerged lands under the open seas the issue is sovereignty; and all the petifogging of the issue with respect to inland waters, internal bays, and all the decisions relating to that subject, has little or nothing to do with the issue of national sovereignty as it relates to the great international problems of a Nation which are vitally affected by the coastline and the open seas beyond it.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I yield.

Mr. DANIEL. I believe the Senator from Minnesota will concede, will he not, after having read the opinion, that the Court did not hear the evidence which I asked the Court to hear. Does the Senator concede that?

Mr. HUMPHREY. Not only do I concede it, but the Court said that it did not hear the evidence because it said it did not need to hear the evidence.

Mr. DANIEL. Mr. President, if the Senator from Illinois will yield further to me, let me say that if the Senator from Minnesota should ever be sued for his farm, or if someone should ever try to take away his land and he should go into court and say, "No, it is mine. I have evidence here showing that my family has owned it for over 100 years, and that this man who is suing me and his family have recognized my title all these years," and if the Senator from Minnesota should ask the court to hear the evidence and the court should say, "We do not need to hear the evidence. We know from the pleadings that this man should take away from you the farm which you and your family have held for more than 100 years," and if the court should take the farm away from the Senator without hearing the evidence to see whether it is important or would have any bearing on the case, I think the Senator from Minnesota would feel as outraged as I felt, as the people of Texas feel, and as any American citizen should feel at not having the opportunity to lay before the court the evidence in a contested lawsuit.

Mr. HUMPHREY. Mr. President, will the Senator from Illinois further yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. Let me say to the Senator from Texas that his analogy, while it is moving, is not logical. It is not an analogy which has any pertinence to this problem.

The Senator from Texas is speaking in terms of a civil matter. When we are discussing the case of the United States against Texas, we are talking about a dispute between a State and the national sovereign. The only issue upon which the Court ruled in that case was the equal-footing issue. The Court denied the petition for deposition and for the submission of evidence. The Court said that the Union was a Union of free and equal States, Texas notwithstanding, and that the joint resolution by which Texas entered the Union categorically stated that it was entering the Union on an equal footing. Notwithstanding all the debates and arguments, Texas came into the Union as Minnesota came into the Union, and as Virginia came into the Union.

At one time the boundaries of Virginia extended to the State of Minnesota. It would be ridiculous on the part of Virginia to claim that, because her historic boundaries took her out to the St. Croix River, she now has a claim upon the boundaries of the State of Minnesota.

I am not going to argue with the Court. It seems to me that the Court knew what it was doing. In the case of California,

the decision was 6 to 2. In the case of Louisiana, I believe the decision was the same.

In this instance, in the matter of a petition, in the matter of seeking depositions, the Court stood 4 to 3.

Mr. DANIEL. Mr. President, I am sure the Senator from Minnesota would not like to have the RECORD contain such a statement as that. The vote of 4 to 3 against Texas was on the right to introduce evidence.

Mr. HUMPHREY. I said so; the right to introduce depositions and evidence.

Mr. DANIEL. That is correct.

Mr. HUMPHREY. The Court said it was not necessary, and took note of the Senator's argument, as I pointed out to him yesterday, on three affirmative defenses of Texas, first, that she was an independent nation, and, therefore, had particular rights because of her independence; second, that Texas alleged an agreement between the United States and the Republic of Texas as to the right to the lands and minerals.

Mr. DANIEL. And that is what the Court refused to hear evidence on. We plead it, but the Court would not hear evidence on it.

Mr. HUMPHREY. The Court said in reference to that:

> The United States opposed these motions and in turn moved for judgment asserting that the defenses tendered by Texas were insufficient in law and that no issue of fact had been raised which could not be resolved by judicial notice. We set the case down for argument on that motion.
>
> We are told that the considerations which give the Federal Government paramount rights in, and full dominion and power over, the marginal sea off the shores of California and Louisiana (see *United States* v. *California* (322 U. S. 19); *United States* v. *Louisiana*, supra) should be equally controlling when we come to the marginal sea off the shores of Texas.

And they ruled that that was the case.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the Senator from Florida.

Mr. HOLLAND. I am aware that the Senator from Minnesota has been gracious enough to admit that in the Texas case no evidence was taken, but that the petition to hear evidence was denied. As I recall, what started the detour was the statement by the Senator from Minnesota that in the California case the Court did have the evidence before it, and the Senator from Florida rose to read from the decision of the Court in the Texas case this language:

> In the California case neither party suggested the necessity for the introduction of evidence.

And to call to the attention of the Senator from Minnesota the fact that there was no evidence heard by the Court in the California case, notwithstanding the statement of the Senator from Minnesota. I hope the Senator from Minnesota will be gracious enough now to admit that he was in error in that case as he was in the Texas case.

Mr. HUMPHREY. So far as the technical term "evidence" is concerned, yes; but pleadings were presented to the Court, and there were volumes of information.

Mr. HOLLAND. I thank the Senator for his admission that no evidence was taken by the Court in the California case.

Mr. HUMPHREY. I submit that there were briefs.

THE REASONABLENESS OF THE OFFSHORE OIL DECISIONS

Mr. DOUGLAS. Mr. President, as I stated some minutes ago, without pretending to be either a legal or a constitutional scholar but solely to see if reasonable men such as we believe ourselves to be can pronounce the members of the Court to be unreasonable, may I briefly sketch the legal controversy as I understand it?

The three coastal States and their allies claimed that the Thirteen Original Colonies possessed, as an attribute of their sovereignty, title to the submerged lands which were off their coast. It was argued that these titles were not conveyed to the Federal Government by the Constitution, since they were not explicitly mentioned in that document and that hence they came under the 10th amendment, which granted residual and unspecified powers to the States. Since the Constitution in article IV, section 2, provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," these rights and privileges which it is claimed the Thirteen Original States possessed, were, it was argued, then extended on an equal footing to all subsequent coastal States upon their admission to the Union. In fact, the acts of admission of new States generally expressly provided that they were to be "on an equal footing with the Original States." The Pollard and Waddell cases and those following, which have been previously cited, were advanced as proof that the Court had previously ruled that all submerged lands and tidelands were under the the control of the States.

In the case of Texas, a special claim was advanced.

Mr. HUMPHREY. When was it advanced?

Mr. DOUGLAS. I am trying to summarize as fairly as possible what I understand the arguments of the States to have been in the cases preceding the Texas case.

Mr. HUMPHREY. My reason for asking the Senator the question was that I was told just a moment ago that there was no evidence.

Mr. DOUGLAS. I will say in the briefs.

Mr. HUMPHREY. Very well. I desire to make the record perfectly clear that there was information before the Court. The Court did not lock itself up in a room, with the windows closed and the lights out, playing blind man's buff, and put its hand in a basket and draw out a decision. The members of the Court read the briefs, and my simple mind tells me that in those briefs there was undoubtedly information, because there is reference to the arguments presented to the Court. How can there be an argument if there was not material?

Mr. DOUGLAS. I thought I had here all the briefs in all the three cases. Nevertheless, the briefs which I have indicate that they contained a large amount of information as to the facts. Attention was called to the fact that in a statute passed by the Republic of Texas in 1836, it was specifically asserted that Texas was to have control over the waters off its coast for a distance of 3 leagues or 10½ land miles. About the fact of that statute there can be no question.

It is argued that these rights were then carried over by Texas when it came into the Union in 1846 and hence continue until this day. That was argued by the very able attorney general of Texas, now the junior Senator from Texas [Mr. DANIEL].

All this may sound plausible to the casual listener and it has undoubtedly convinced most of the citizens of the three States in question.

I have no doubt that the junior Senator from Texas represents the majority opinion of the people of Texas, that the Senator from Florida is representing the majority opinion of the people of Florida, that the Senator from Louisiana represents the majority opinion of the people of Louisiana, and that the Senators from California, who I understand will take the floor before the debate is concluded, represent the opinion of the people of California. I have no doubt about that. But I believe that not much is left of the argument by the time the Supreme Court has finished with it.

I wish to outline, relatively briefly, if I may, what the Court held, and I shall develop this later. The Court differentiated the cases in question from those which had gone before by pointing out that the Pollard rule and other cases which had followed from it were not an enunciation of a new ocean rule, but in explanation of the old inland water principle; that is, to repeat an analysis almost ad nauseum which I have given over and over again this afternoon, all these cases which have been appealed to dealt with lands inland from the low-water mark. The Court proceeded to say that—

> None of these cases involved or decided the State-Federal conflict presented here.

It pointed out that the California State statute granting permits to prospect for oil and gas off the coast, together with the issues which all this created, raised this Federal-State conflict over the submerged lands seaward from the low-water mark for the first time.

Then dealing with the substantive issues which were thus raised, the Court in the California case ruled that—

> At the time this country won its independence from England there was no settled international custom or understanding among nations that each nation owned a 3-mile water belt along its borders—neither the English charters granted to this Nation's settlers, nor the treaty of peace with England, nor any other document, to which we have been referred, showed a purpose to set apart a 3-mile ocean belt for colonial or State ownership. Those who settled this country were interested in lands upon which to live, and waters upon which to fish and sail. There is no substantial support in history for the idea that they wanted or claimed a right to block off the ocean's bottom for private ownership and use in the extraction of its wealth.

That was an extremely important finding.

NATIONAL SOVEREIGNTY PASSED TO UNITED STATES, NOT INDIVIDUAL STATES

The point I am going to develop now was not used by the Court, but was advanced by a former great Justice of the Supreme Court, who has written perhaps the most celebrated commentary upon the Constitution of the United States that has ever been written. I refer to Mr. Justice Story, who, I may say, was originally appointed to the Court as a Jeffersonian Democrat. He came to the Court in the early days of the 19th century. He was a great jurist from Massachusetts. At this time I should like to quote from Mr. Justice Story's famous Commentary:

The Colonies did not severally act for themselves and proclaim their own independence. It was not an act done by the State governments then organized, nor by persons chosen by them. It was an act of original inherent sovereignty by the people themselves.

So the Declaration of Independence treats it. Whatever then may be the theories of ingenious men on the subject, it is historically true that before the Declaration of Independence these Colonies were not in any absolute sense sovereign States, that that event did not find them or make them such, but that at the moment of their separation they were under the domination of a superior controlling National Government whose powers were vested in and exercised by the General Congress with the consent of the people of all the States.

From the moment of the Declaration of Independence, if not for most purposes at an antecedent period, the united Colonies must be considered as being a nation de facto, having a general government over them, yet and acting by the general consent of the people of the Colonies.

In respect of foreign governments we were politically known as the United States only, and it was in our national capacity as such that we sent and received Ambassadors, entered into treaties and alliances, and were admitted into the general community of nations who might exercise the right of belligerence and claim an equality of sovereign powers and prerogatives.

The truth is that the States individually were not known nor recognized as sovereign by foreign nations, nor are they now.

I should now like to read a quotation from Mr. Justice Sutherland in the case of *United States* v. *Curtiss-Wright* (299 U. S. 304) at pages 316 and 317. The Court, speaking through Mr. Justice Sutherland, said:

Since the States severally never possessed international powers, such powers could not have been carved from the mass of State powers but obviously were transmitted to the United States from some other source. During the colonial period those powers were possessed exclusively by and were entirely under the control of the Crown. By the Declaration of Independence, "the Representatives of the United States of America" declared the United (not the several) Colonies to be free and independent States * * *.

As a result of the separation from Great Britain by the Colonies acting as a unit, the powers of external sovereignty passed from the Crown not to the Colonies severally, but to the Colonies in their collective and corporate capacity as the United States of America. * * * When, therefore, the external sovereignty of Great Britain in respect of the Colonies ceased, it immediately passed to the Union.

In other words, Mr. President, if we take the view adopted by the Supreme Court, it is very doubtful whether the British Crown ever had claimed definite ownership and control over submerged lands seaward from the low-water mark or that the Colonies ever had derived their powers, by charter or otherwise, from the Crown; and therefore a void was left.

If we take the view adopted by Mr. Justice Story and Mr. Justice Sutherland, and if we also assume there might have been such powers in the British Crown, then they were transferred, not to the States but to the indestructible Union of indestructible States, which came into being not merely by the Constitution but with the Declaration of Independence. Those national powers were conveyed by the treaty of peace with Great Britain not to the several States but to the United States of America, still continuing through the Continental Congress.

I do not say which one of those views is correct; it is not for me to say that. I do say that neither of these views gives to the States control over the submerged lands. One view leaves a vacuum into which the statement of Thomas Jefferson moved. The other view leaves a conveyance to the Continental Congress and then to the United States of America.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I am glad to yield.

Mr. LONG. First, I should like to tell the Senator from Illinois that I was not on the floor a short time ago when he made some remarks, which I very much appreciate, regarding my father the late Huey P. Long, whom I have always adored and admired, and who in large measure is responsible for my being in public life today.

Mr. DOUGLAS. I paid him a tribute because the attitude of the late Governor Long, later Senator Long, in the oil situation has been misrepresented, and he has never received from the people of the United States the tribute to which he is entitled.

Mr. LONG. It was always my feeling and it was always my father's feeling that the attempted impeachment of my father as Governor of the State of Louisiana was based upon his efforts to make the oil interests pay the expense of financing free schoolbooks in the State of Louisiana.

Mr. DOUGLAS. The understanding of the Senator from Illinois is precisely the same as that of the Senator from Louisiana.

Mr. LONG. The Senator from Illinois is making an extremely able argument for the point of view that the Federal Government had powers other than those derived from the Constitution; and much as I agree with him in some respects, this is one phase of the subject upon which I do not agree with him.

Mr. DOUGLAS. I understand, certainly.

Mr. LONG. I believe it would be best, however, for me to take my issue on this point with the Senator from Illinois at a later date, when I shall be able to document my argument as well as the Senator from Illinois is documenting his.

Mr. DOUGLAS. I thank the Senator from Louisiana.

THOMAS JEFFERSON MAKES FIRST CLAIM TO TERRITORIAL WATERS IN MARGINAL SEA

Mr. President, if we adopt the view of the Supreme Court that the British Crown had not asserted its claim to the lands seaward from the low-water mark and that the Colonies had not asserted their claim, and that, indeed, control over the lands beneath the marginal sea was vague, just as was control over the surface of the water—in other words, that, as the book of Genesis says, there was chaos before God breathed on the face of the waters—so there was chaos in the marking out of the zones of control of the National Government.

The first man who brought order into that situation was Thomas Jefferson when serving as Secretary of State in the administration of George Washington. To my mind, Thomas Jefferson was the greatest intellectual in the history of our country. Thomas Jefferson, who was our second greatest President, has, among other claims to fame, the fact that he was the founder of the Democratic Party.

On November 8, 1793, Thomas Jefferson, as Secretary of State, wrote a message or letter to the British Minister, covering the question of control by the United States of offshore, territorial waters. I wish to read that message or letter, which also will be found in John Bassett Moore's International Law Digest for 1906 at pages 702 and 703, and also appears at page 64 in the minority views on Senate Joint Resolution 13:

The President of the United States—

Meaning President George Washington—

thinking that, before it shall be finally decided to what distance from our seashores the territorial protection of the United States shall be exercised * * * finds it necessary in the meantime to fix provisionally for the present government of these questions * * *. The greatest distance to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of 20 miles, and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannonball, usually stated at 1 sea league. Reserving however the ultimate extent of this for future deliberation, the President gives instructions to the officers acting under his authority to consider those heretofore given them as restrained for the present to the distance of 1 sea league or 3 geographical miles from the seashores.

That was the first assertion of control over the Continental Shelf of our Nation. I ask my colleagues to notice that it was an assertion by the National Government, by the Secretary of State, not by the Colonies, not by representatives of the States.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield at this time to me?

Mr. DOUGLAS. I shall yield in a minute.

Mr. President, I point out that that assertion was by a representative of the Nation. Furthermore, in the same letter Thomas Jefferson laid down the basis for the distinction between national control and State control which I believe ultimately shaped the decision of the Supreme Court in the California case, a century and one-half later.

At this time I wish to read a portion of the letter from Thomas Jefferson which I think shows that even Jove can nod, because in the part of the letter which I shall read the verb is omitted. Thomas Jefferson went on to say:

> For the jurisdiction of the rivers and bays of the United States the laws of the several States are understood to have made provision, and they are moreover, as being landlocked within the body of the United States.

Obviously there is a verb omitted, such as "considered" before the word "as being landlocked within the body of the United States."

In other words, Jefferson said that the inland waters were to be under the States, but that, for 3 geographic miles from the shore of the United States on the open ocean, the United States was to have control. This was the first act by an American asserting control by the Nation over the territorial sea and marking off the distinction between local control and Federal control.

Jefferson, the most versatile man in our history, is famous for many things. I had never known until I began to study this subject that he was also the father, the creator of the law of inland waters, and the law of the territorial sea. After a century and a half, the Supreme Court is just beginning to catch up with Thomas Jefferson. This was not something new, conjured out of the brains of the Justices of the Supreme Court—Justices of whom I once heard the Senator from Louisiana, in a moment that I am sure was not advised, call the New Deal Justices. This was not a wild idea of the New Deal. It came from the pure fountainhead of American democracy, from the teeming brain of Thomas Jefferson.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. ANDERSON. Not only was it the policy of George Washington, as enunciated by Thomas Jefferson, but if we leave out the New Dealers, to whom some reference has been made, the last time a representative of the State Department was sent abroad to take part in an international conference on this subject was under President Hoover. The representatives of the American Government, sent abroad by President Hoover, had almost identically the same instructions as those contained in the letter from Thomas Jefferson away back in 1797, because that delegation was instructed to contend for 3 miles from the shore, just as in the case of the first instruction that had been given. Therefore, there is an absolute, unbroken chain of 3-mile claims, starting with George Washington, down to President Hoover, and, I am happy to say, continued by Franklin D. Roosevelt and Harry S. Truman.

Mr. DOUGLAS. And apparently not denied by John Foster Dulles and the President.

Mr. ANDERSON. No. Mr. Dulles' letter is quite clear on that point. I refer to the letter he wrote on March 4, 1953, to the Senator from Nebraska [Mr. BUTLER], chairman of the Senate Committee on Interior and Insular Affairs.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HILL. It was also made perfectly clear, emphasized and reemphasized by the Secretary of State, Mr. John Foster Dulles, to his representative, Mr. Tate, before the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs.

Mr. DOUGLAS. I am very glad we have had this colloquy with the Senator from New Mexico and the Senator from Alabama. The United States Government has never claimed for itself greater jurisdiction than 3 geographic miles off the seacoast, and it has never permitted any foreign nation to claim more than 3 geographic miles, so far as it was concerned. It dealt with Great Britain, whose claims originally were somewhat expansive—considerably more than 3 geographic miles—and after a great struggle, it forced the British claims back within the 3-mile limit. Jefferson repulsed the attempt of Great Britain to seize wide control over the seas. We have fought every claim for more than a 3-mile jurisdiction, and now, by an ironic turn of events——

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am in full flight, here.

Mr. DANIEL. I will wait until the Senator lands.

Mr. DOUGLAS. By an ironic turn of events, we are now defending the citizens of Texas, Louisiana, and Florida, off the coast of Mexico, and saying that Mexico has no right to impose more than a 3-mile limit, that Mexico cannot impose a 9-mile limit, while the representatives of those very States are on the floor of the Senate demanding for themselves 9-mile limits.

The Government is being placed in a very embarrassing position with respect to the jurisdiction of Louisiana and Texas offshore. American fishermen who go to the waters of Mexico off the Mexican coast, and who hover off the 3-mile limit, somewhere between the 3- and 9-mile limit, are being arrested by the Mexicans, according to press reports. They plead the protection of the United States of America, on the ground that the 3-mile limit is the only degree to which the jurisdiction of Mexico can extend, when their own very able representatives, three of whom I see before me, are arguing for 9-mile limits in the case of each of their States. I think in the case of the Senator from Louisiana, he has not formally made such a claim; although a very able representative of the State of Louisiana, Mr. Leander H. Perez, has claimed 27 miles. So to a lesser or greater extent we are in a very embarrassing position in protecting the shrimp fishermen of these three States, in the waters off Mexico, and we are getting ourselves into hot water by enforcing a strict rule against Mexico, which these States do not wish reciprocally to extend to that country.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I now yield to the Senator from Texas.

Mr. DANIEL. I say to the Senator from Illinois that the State of Texas certainly extends to the citizens of Mexico the same rights and the same restrictions that it claims off the coast of Mexico, which is 3 leagues from shore. I am sure the Senator from Illinois did not mean to make a misstatement.

Mr. DOUGLAS. I did not mean to, and if I did, I shall be very glad to correct it.

Mr. DANIEL. I refer to the statement of the Senator that the United States has never recognized more than 3 miles offshore, with respect to any nation, and that it had held all nations to 3 miles. But for the information of the Senator from Illinois I should like to call his attention to the fact that the Treaty of Guadalupe-Hidalgo, signed between the United States and Mexico in 1848, made an exception as to the 3-mile limit, but fixed the boundary—and I now quote from the treaty—

> The boundary line between the two republics shall commence in the Gulf of Mexico 3 leagues—

Which is equal to 9 marine miles—

> from land opposite the mouth of the Rio Grande.

Mr. DOUGLAS. Mr. President, I certainly cannot compete with the distinguished Senator from Texas about Texas history, but since he has plunged into the details of it, so far as I can tell, that boundary line was meant to carry out to sea the southern boundary of Texas between Texas and Mexico, rather than to impose the starting point of a north-south boundary line in the sea which would skirt the coast of Texas; and it was merely intended to provide that American customs inspectors, for the purpose of preventing smuggling, could look over and examine ships beyond the 3-mile limit.

There was a similar problem connected with the so-called I Am Alone case under the prohibition law, when it is true that some of our naval vessels chased for some distance a boat suspected of being a bootleg boat, and fired upon it. But if these are exceptions, they are very minor exceptions, and in all the negotiations between countries, and in all the international conventions, the United States has stood for the 3-mile rule.

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HILL. Is it not true that so long ago as 1848, when James Buchanan was Secretary of State, and coming on down to the present time, or through the time of Cordell Hull, the United States has maintained, all the way through, that the line fixed by the Treaty of Guadalupe Hidalgo was not intended and did not have the effect of extending the territorial waters of the United States?

Mr. DOUGLAS. That is correct.

I may say that Mr. James Buchanan was the characteristic northern "doughface," namely, a northern man with southern principles, who was commonly believed to be under the control of the South and who would have been in great temptation to agree with any claim

made by Texas, so that if this pliant gentleman refused to grant the claim of Texas it was certainly proof that there was not much law on the side of Texas on that point.

Mr. DANIEL. Mr. President, will the Senator from Illinois further yield?

Mr. DOUGLAS. I yield.

Mr. DANIEL. In order not to delay the proceedings, will not the Senator from Illinois agree that at least the Treaty of Guadalupe-Hidalgo provided that the boundary between Mexico and Texas should be 3 leagues from shore?

Mr. DOUGLAS. It was to a point lying off the mouth of the Rio Grande. If we had a map here we could see it.

Mr. DANIEL. The Senator concedes that the treaty does provide that the boundary shall be 3 leagues from shore in the Gulf of Mexico, opposite the Rio Grande.

Mr. DOUGLAS. Yes, the boundary between the nations is stated to extend out to a point 3 leagues from shore.

Mr. DANIEL. They actually ran out the boundary line 3 leagues from shore, and it shows on the map——

Mr. DOUGLAS. For the purpose of customs inspection.

Mr. DANIEL. Oh, the Senator——

Mr. DOUGLAS. Wait a minute. The Senator from New Mexico [Mr. ANDERSON] calls my attention to the fact that I should emphasize that the phrase in question is the boundary line between the two Republics.

Mr. DANIEL. That is correct. I should like to say to the Senator, if he will yield further——

Mr. DOUGLAS. Yes, I yield.

Mr. DANIEL. The State Department publishes a book, Miller, Treaties and International Agreements Between the United States and Other Nations. Volume V, at page 315, of that work on treaties of the United States, published by the State Department, contains the Treaty of Guadalupe Hidalgo with the 3-league boundary in it——

Mr. DOUGLAS. The boundary line.

Mr. DANIEL. But following the words "3 leagues" is a footnote placed there by the State Department writers, which refers us to the Texas Boundary Act of December 19, 1836, which runs the boundary of Texas 3 leagues from shore, from the mouth of the Sabine River down to the mouth of the Rio Grande. So the State Department gives the origin of the boundary which Texas has had ever since 1836.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. Anyone who has ever examined the hundreds of maps which are in private collections and in public places will realize that all sorts of claims have been sought to be established. The fact that the State Department drew a map in one way no more increases the boundaries of the State of Texas than anything else would; and the publishing of a scientific work would no more be binding upon this country than would estimates as to the amount of gas and oil to be found in the United States. All over the Nation there are persons who have been studying the history of various sections or areas of the country, and they can produce maps which will show that half of the State of Texas belongs to the State of New Mexico. Almost simultaneously maps can be produced which show that half of New Mexico belongs to Texas. Errors were made, and they will continue to be made so long as maps are being made. Such a publication is not an official document. I would far rather go by the words of the State Department when they say they do not recognize that boundary.

Mr. DANIEL. Why not go by the words of the treaty signed by the United States, which says the boundary is 3 leagues from shore?

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HILL. Let us go to the words of the treaty. As the Senator has well said, the boundary goes from the mouth of the Sabine River 3 leagues. It says between upper and Lower California to the Pacific Ocean; not 3 leagues out into the Pacific Ocean. The line was established in connection with the prevention of smuggling, which we know was prevalent at that time.

Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I yield.

Mr. HILL. The Senator referred to Mr. Buchanan, Democratic Secretary of State in 1848, a little over 2 years after the passage of the joint resolution admitting Texas as a State, which was December 29, 1845, as I recall.

In 1875, when we had a Republican Secretary of State, the Honorable Hamilton Fish, he flatly denied that the purpose of the treaty was to extend the territorial waters of the United States. He said:

> We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast.

That confirms what the Senator said about our following the doctrine as laid down in the beginning by Thomas Jefferson.

Mr. DOUGLAS. And I believe there have been similar positions taken since by the Government.

Mr. HILL. In 1906 we took a similar position, and in 1935, 1936, and, again, in 1948. We have taken that same position consistently through the years from 1848 to this time.

Mr. DOUGLAS. Was there not an international conference in 1930 on the question of seaward boundaries of nations, and at that conference did not the United States delegation maintain the 3-mile limit?

Mr. HILL. The United States took the lead in maintaining it.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I should like to invite the Senator's attention to the fact that an able representative of the Department of State, Assistant Solicitor General Tate, testified at the hearings in this matter, and I want to quote from page 1078 of the hearings. The Senator from Texas [Mr. DANIEL] was questioning the witness:

> I just want to ask you again, it is not your contention that by coming into the United States our Nation went back on its word on Texas' boundary and let these riches outside of the 3 miles go back into the ownership of the family of nations, is it?
>
> Mr. TATE. I am not making any contention on that score, Senator.
>
> Senator DANIEL. As to the State of Florida, its constitution, after the Civil War, provided that on the gulf coast side, that is the shallow-water side, its boundary should go out 3 leagues from shore, and that was approved by the United States Congress. You are familiar with that, are you not?
>
> Mr. TATE. I understand that to be true; yes.
>
> Senator DANIEL. So there at least are two instances in which our Nation by official action has recognized boundaries in the Gulf of Mexico a greater distance than 3 miles from shore; is that not correct, sir?
>
> Mr. TATE. I think, so; yes.

Mr. DOUGLAS. I was not present when Mr. Tate testified. I would suggest, however, that what he was saying was that so far as the United States dealing with foreign powers was concerned, the United States had never asserted a claim of more than 3 miles, and it had not permitted any other nation to assert such a claim unchallenged. I shall later contend that it is constitutionally impossible for the Federal Government to convey to the States rights which it does not itself possess.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. Certainly.

Mr. HOLLAND. I should like to advise the distinguished Senator, with reference to the shrimp incident which he has mentioned, that he need feel no further embarrassment on account of the shrimp interests of Texas, Louisiana, and Florida, because the fact of the matter is that their boats were apprehended by a Mexican gunboat as far as 21 miles out into the Gulf, and that the State Department and the Coast Guard both advised them, in an abundance of caution, to stay not outside the 3-mile limit but outside the 3-league limit. Upon questioning representatives of the State Department and of the Coast Guard, I have learned that to be a fact. Upon further inquiry, I have found that the shrimpers do not want to go inside the 3-league boundaries of Mexico because of the shallow water and of the many obstructions which are there. All they want is to have protection in fishing unmolested beyond the 3-league limit which has been stated by the State Department and the United States Coast Guard as being the distance they should remain away from the Mexican coast.

There is one further request they have made. They have requested the State Department to negotiate with the Mexican Government an arrangement for an anchorage or anchorages at a place or places to be fixed by the Mexican Government within the three-league limitation, and within calm waters, where the boats may go in case of rough weather, and where they may also transfer their loads of shrimp, so that one ship can return with the catch of 3 or 4 ships, in time to save all of the shrimp. The State Department is attempting to make such arrangements now.

There is a great tempest in a teapot about this particular subject matter, and I do not wish the distinguished Senator from Illinois to be further disturbed or

to feel embarrassed in his consideration of it because the shrimp industries of the three States in question do not want to go within the three-league boundary, insofar as fishing or shrimping is concerned. They have so stated to the State Department, and the State Department has told them that that is the limit which they should observe.

Mr. DOUGLAS. May I reply?

Mr. HOLLAND. Of course.

Mr. DOUGLAS. I am glad to have such assurance from the Senator from Florida. I had based my statement on articles which appeared in the New York Times of February 8 and February 22 of this year. The New York Times quite possibly may be in error. I am quite willing to believe the Senator from Florida, but I do wish to get back to the main thesis.

Mr. HOLLAND. Will the Senator from Illinois yield for one more observation on this point?

Mr. DOUGLAS. Surely.

Mr. HOLLAND. I hold in my hand a telegram and a letter from the president of the Southeastern Fisheries Association, Inc., which speaks for the shrimp industries, stating the fact as just given by me.

Also, I have risen to congratulate the State Department on its statement, made through Mr. Tate, its Assistant Solicitor. For the first time in the history of the United States, so far as I have been able to discover, the State Department has been willing to treat the actions of Congress as the actions of a friendly body, and probably as the actions of a controlling body, instead of, as heretofore, trying to treat the official, dignified actions of the Congress of the United States, which have stood for more than 100 years, as the State Department has become accustomed to treat the actions of foreign governments.

So far as I am concerned, I appreciate the condescension of the State Department in at last coming around to the point of recognizing that Congress has controlling jurisdiction over the State Department, and that acts solemnly and with dignity passed by Congress more than 100 years ago are finally being recognized by the State Department.

I think the State Department is making progress, and I wish to give it credit for so doing.

Mr. DOUGLAS. At a future time and at greater length, I should like to argue with the Senator from Florida the question as to whether Congress did approve a 10½-mile limit either for Florida or for Texas. Just as in the case of King Charles' head, the question always seems to come up in these discussions.

At the moment, I am trying to deal with the argument of the Supreme Court, primarily in the California case, which did not involve the issue of a 10½-mile or a 3-league boundary.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HILL. I think that at this point in the RECORD the testimony of Mr. Tate, as it is contained in two short sentences in the hearings, should be placed in the RECORD, since Mr. Tate was speaking for the State Department.

Mr. DOUGLAS. The Senator has made a good suggestion.

Mr. HILL. Mr. Tate said:

> The maintenance of the traditional position of the United States—
>
> That is, 1 marine league, or 3½ miles—
>
> is vital at a time when a number of foreign states show a tendency unilaterally to break down the principle of freedom of the seas, by attempting extensions of sovereignty over high seas. A change of the traditional position of this Government would be seized upon by other states as justification for broad and extravagant claims over adjacent seas.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. That general statement by Mr. Tate preceded the statement made by him, which the Senator from Florida has just quoted from the record.

Mr. HILL. The Senator is correct. Here Mr. Tate was addressing himself to the proposition of breaking down the 3-mile territorial limit. The other matter related to a treaty that had been made for customs purposes and smuggling purposes from the very beginning of the country, dating back to 1799.

We had extended some lines for control purposes. The United States Government had taken the position that for customs purposes it could go out for perhaps 12 miles and board ships. But there is a vast difference between going out for customs purposes and defining territorial limits.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. No, I should prefer not to yield, because I do not wish to become involved at this moment with Florida and Texas peculiarities incident to the dispute.

THE CALIFORNIA CASE DECISION

Instead, I prefer to deal with the decision of the Supreme Court in the California case, which is broader and more fundamental than the special issues raised in the cases of Texas and Florida. The court said:

> It did happen that shortly after we became a nation our statesmen became interested in establishing national dominion over a definite marginal zone to protect our neutrality. Largely as a result of their efforts, the idea of a definite 3-mile belt in which an adjacent nation can, if it chooses, exercise broad, if not complete dominion, has apparently at last been generally accepted throughout the world, although as late as 1876 there was still considerable doubt in England about its scope and even its existence. See *The Queen* v. *Keyn* (2 Ex. D. 63). That the political agencies of this Nation both claim and exercise broad dominion and control over our 3-mile marginal belt is now a settled fact. *Cunard Steamship Co.* v. *Mellon* (262 U. S. 100, 122–124). And this assertion of national dominion over the 3-mile belt is binding upon this Court. See *Jones* v. *United States* (137 U. S. 202, 212–214); *In re Cooper* (143 U. S. 472, 502–503).
>
> Not only has acquisition, as it were, of the 3-mile belt been accomplished by the National Government but protection and control of it has been and is a function of national external sovereignty. See *Jones* v. *United States* (137 U. S. 202); *In re Cooper* (143 U. S. 472, 502). The belief that local interests are so predominant as constitutionally to require State dominion over lands under its landlocked navigable waters finds some argument for its support. But such can hardly be said in favor of State control over any part of the ocean or the ocean's bottom. This country, throughout its existence has stood for freedom of the seas, a principle whose breach has precipitated wars among nations. The country's adoption of the 3-mile belt is by no means incompatible with its traditional insistence upon freedom of the sea, at least so long as the National Government's power to exercise control consistently with whatever international undertakings or commitments it may see fit to assume in the national interest is unencumbered. See *Hines* v. *Davidowitz* (312 U. S. 52; 62–64); *McCulloch* v. *Maryland*, supra. The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars raged on or too near its coasts. And insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean, is a subject upon which the Nation may enter into and assume treaty or similar international obligations. See *United States* v. *Belmont* (301 U. S. 324, 331–332). The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.
>
> The ocean, even its 3-mile belt, is thus of vital consequence to the Nation in its desire to engage in commerce and to live in peace with the world; it also becomes of crucial importance should it ever again become impossible to preserve that peace. And as peace and world commerce are the paramount responsibilities of the Nation, rather than an individual State, so, if wars come, they must be fought by the Nation. See *Chy Lung* v. *Freeman* (92 U. S. 275, 279). The State is not equipped in our constitutional system with the powers or the facilities for exercising the responsibilities which would be concomitant with the dominion which it seeks. Conceding that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries, these do not detract from the Federal Government's paramount rights in and power over this area. Consequently, we are not persuaded to transplant the Pollard rule of ownership as an incident of State sovereignty in relation to inland waters out into the soil beneath the ocean, so much more a matter of national concern. If this rationale of the Pollard case is a valid basis for a conclusion that paramount rights run to the States in inland waters to the shoreward of the low-water mark, the same rationale leads to the conclusion that national interests, responsibilities, and therefore national rights are paramount in waters lying to the seaward in the 3-mile belt. Cf. *United States* v. *Curtiss-Wright Corp.* (299 U. S. 304, 316); *United States* v. *Causby* (328 U. S. 256).

The Court therefore ruled:

> Now that the question is here, we decide for the reasons we have stated that California is not the owner of the 3-mile marginal belt along its coast, and that the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

THE LOUISIANA CASE DECISION

Three years later, in 1950, the Court stated its basic position in the Louisiana case in the following words:

California, like the Thirteen Original Colonies, never acquired ownership in the marginal sea. The claim to our 3-mile belt was first asserted by the National Government. Protection and control of the area are indeed functions of national external sovereignty (332 U. S., pp. 31–34). The marginal sea is a national, not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war, and peace focus there. * * *

We have carefully considered the extended and able argument of Louisiana in all its aspects and have found no reason why Louisiana stands on a better footing than California so far as the 3-mile belt is concerned. The national interest in that belt is as great off the shore line of Louisiana as it is off the shore line of California. And there are no material differences in the preadmission or postadmission history of Louisiana that make her case stronger than California's.

CLAIMS OF TEXAS, FLORIDA, AND LOUISIANA

Thus far I have been speaking of the 3-mile littoral belt. Now we have the peculiar claims advanced before the Court in the Texas case, the claims asserted for Florida by the Senator from Florida, and, I thought, not asserted for Louisiana by the Senator from Louisiana. But my attention has been called to the testimony of the Governor of Louisiana in the hearings on page 1093, in which Governor Kennon stated:

I might say, incidentally, that our seaward boundary is the same 3 leagues as the State of Texas. We just do not bellow—we just do not talk so loud or so often about it.

I wish to say to the Senator from Texas that these are not the words of the Senator from Illinois. These are the words of the Governor of Louisiana, a neighboring State to Texas, a Governor who, I believe, joined with certain gentlemen in the State of Texas in leaving the home of his fathers and following strange and false gods in the election just passed. But here this Governor turns upon his compatriots in the last election and says, "We just do not bellow—we just do not talk so loud or so often about it."

I think that was very ungracious language for the Governor of Louisiana to use about the great State of Texas. The Senator from Illinois would never use such language, either about Louisiana or Texas. I am surprised that one southerner should use such language to another. Can it be that all is not harmony south of the Mason-Dixon line? I assure my good friend that this is not my language; and my cheek blushes with shame at reading it. Certainly I have never heard a Texan bellow or talk loudly—certainly not the junior Senator from Texas.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG. In an effort to clear up any misunderstanding which might arise over that event and that language, the enabling act which brought Louisiana into the Union used language to the effect that the territory of the new State should include all islands within 3 leagues of the coast in the Gulf of Mexico. It has been argued by some that this language shows the intention of establishing the boundary of the State at 3 leagues into the Gulf of Mexico. It is the position of the junior Senator from Louisiana—and I believe that position is supported by this joint resolution—that if Louisiana desires to litigate the question as to whether the interpretation of those words means that her boundary is actually 3 leagues rather than 3 miles into the Gulf of Mexico, Louisiana has that right. If the State of Louisiana or some person cares to contend that the boundary is 3 leagues, based upon such an interpretation of the language, the Senator from Louisiana believes that they have a right to urge before the Supreme Court of the United States or any other tribunal that that is the meaning of the language.

It will be found that there is legal opinion on both sides. I do not believe that the Federal Government agrees with the 3-league interpretation. The Senator may find some good Louisiana attorneys who do not agree with it. However, if Louisiana wishes to urge that that is what the language means, I believe she has a right to her day in court.

Mr. DOUGLAS. Certainly, she should have a right to her day in court. However. I was interested in pointing out that the Governor of the great State of Louisiana is not satisfied with 3 miles or 1 league. He says the boundary is 3 leagues, just as the Senator from Florida [Mr. HOLLAND] says the boundary of Florida is 3 leagues.

Mr. LONG. Mr. President, will the Senator further yield?

Mr. DOUGLAS. Let me finish. The Governor of Louisiana went on to say:

Our act of admission to the Union, the act of the Congress in 1812, and the act of 1803 or between 1803 and 1812, which set up the Orleans Territory which, with the addition of the Florida parishes, became the State of Louisiana, gives us a 3-league jurisdiction into the Gulf of Mexico and includes islands within 3 leagues of the shore.

So we are likely to find that not only will Florida and Texas come forward with a 3-league claim, or 9 marine miles, or 10½ land miles, but Louisiana will do likewise. I have read statements by Mr. Leander H. Perez, testifying before the Engle committee in New Orleans last November—I believe about November 23—in which Mr. Perez claimed that the boundary extended for 27 miles.

Mr. LONG. I believe the Senator will find that Mr. Perez was not claiming 27 miles, but that he was claiming much more than that. But I am in disagreement with him on that.

I submit to the Senator that the State of Louisiana has a right under the joint resolution only to establish what its boundary is and what its boundary has always been from the time it entered the Union, and that Florida and Texas have that right. The pending measure does not give to Texas, Florida, or Louisiana anything more than a boundary 3 miles out. It merely gives them the right to prove, if prove they can, that the boundary goes beyond 3 miles. The Senator from Illinois has expressed such admiration for the Supreme Court that I would not think he would hesitate to leave that question to the Court.

Mr. DOUGLAS. The Supreme Court will have to move within the language of the joint resolution, if it is passed, and the language is so drawn that extravagant claims may well be recognized.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Florida.

Mr. HOLLAND. I believe this would be a good place to put in the very words of the joint resolution on that point, words which mention no 3-mile limit or any other limit, but simply provide as follows:

Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

In other words, the only way that any limit for any State could ever be fixed beyond 3 geographical miles under the proposed law would be by fulfilling the conditions prescribed, that is, by showing that "its constitution or laws prior to or at the time such State became a member of the Union," made such a provision, or if its seaward boundary "has been heretofore or is hereafter approved by Congress" as actually extending beyond the 3-mile limit.

I am sure the distinguished Senator, believing that ours is a government of laws and not of men, would want to have any State which could show that those conditions existed with reference to it secure the benefit of that situation, and it would have to show one of those conditions before it could possibly claim limits extending more than 3 geographic miles beyond its coast.

Mr. DOUGLAS. Mr. President, I should like to point out that boundary is one thing. I am not so much concerned about how far out to sea the State may exercise its police powers over the surface of the waters, but I am concerned who is to have the ownership of and title to the submerged lands and how far out that ownership and title will extend. What I do object to is having ownership of and title in the submerged lands go out to the farthest boundaries claimed by States or hereafter approved by Congress or to boundaries claimed by States for police powers. The zone of police power of the State could be very different from the zone of ownership. Yet they are made identical in Senate Joint Resolution 13.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. Certainly.

Mr. HOLLAND. The Senator from Illinois is again mistaken, because the limitation of the exercise of police power, as he will see if he will read both the Louisiana and Texas decisions, extends well beyond any limit fixed by the Constitution or laws at the time of admis-

sion, and the Supreme Court did not see fit to disturb in any way those greater limits for the exercise of police power by the States.

Mr. DOUGLAS. I do not pretend to be an authority on this subject. The Senator from Texas and the Senator from Florida I believe are the greatest authorities on the subject in the country, and as I have repeatedly said, I certainly do not wish to argue legal matters with them. I merely point out that they may be appealing to fishing cases, such as the Skiriotes against Florida case and another case——

Mr. HOLLAND. Sponging cases.

Mr. DOUGLAS. Sponging in a literal rather than in a figurative sense. In these cases, as I understand, the Court ruled that in the absence of Federal legislation there was a legislative vacuum so far as the Federal Government was concerned, and the State government could exercise its power, but it did not say that the right of the State to legislate over this zone was superior to the right of the Federal Government.

Mr. HOLLAND. The Senator is exactly right in that, and in order to make sure that the Federal Government has acted in assuring the States ownership and property rights out to their boundaries, as described in the joint resolution, the joint resolution is proposed to be passed by the Federal Congress. Should a State desire to go more than 3 geographic miles out to sea, in order to qualify under the law, if the joint resolution be enacted, it would be necessary to show that an earlier Congress took occasion to bind the Nation. I say again, with much respect for my friend from Illinois, that he would be among the last to desire to take away or deprive any State of rights granted by a former Congress, if a State could now submit proof to the satisfaction of the same Supreme Court for which he has professed high respect.

Mr. DOUGLAS. Mr. President, I hope that some parliamentary way may be found so that I may be able to continue my argument tomorrow, because I am approaching a discussion of the special case of Texas, and I can immediately see that this will touch off a chain reaction from the junior Senator from Texas which is likely to last for some time. Since the distinguished majority leader, the present occupant of the chair, has not yet made a motion to recess, I suppose I am in a sense his prisoner, and that I therefore must launch on the discussion of the Texas case, even though the clock shows that the time is very close to 6:30 p. m.

I pause for a sign of mercy from the occupant of the chair, who occupies the position of a Roman Emperor sitting in the royal box, with the ability to put his thumbs up, indicating that the Christian may live, or put his thumbs down, indicating that he has to be thrown to the lions.

Mr. HOLLAND. Mr. President, of course the Senator from Florida is not any more in control of the situation than his distinguished friend from Illinois, but he would like to address an inquiry to the Senator from Illinois. Does the Senator wish to have the Senate take a recess at this time and meet at, say 12 o'clock tomorrow, or at an earlier hour?

Mr. DOUGLAS. I would like that, provided it is the understanding I do not lose my right to the floor, and may continue my address when the Senate convenes.

The PRESIDING OFFICER (Mr. TAFT in the chair). The Senator will have to take his chances on that. There will be no such unanimous-consent request granted.

Mr. DOUGLAS. The Senator from Illinois would like to make the request that the Senate take a recess, with the understanding that he does not lose his right to the floor, so the Senator from Illinois makes the request. He is not at all certain it will be granted, but he makes the request with a very suppliant and beseeching look.

The PRESIDING OFFICER. In his capacity as a Senator, the present occupant of the chair objects to the request.

Mr. DOUGLAS. The Senator from Illinois will continue.

Mr. LONG. Mr. President, as a Senator who has occasionally engaged in what has been described as extended debate, sometimes known as filibusters, I suggest to the Senator from Illinois that the parliamentary situation at this time is such that the Senator will have an opportunity to make many speeches, if he desires, in the course of this debate. He need not at all fear that by ending one speech he will be foreclosed from making 2 or 3 or 4 speeches if he wishes. The Senator from Louisiana has always believed that Members of the Senate should have the right of unlimited debate, and so long as the Senator from Illinois desires to discuss the issue before the Senate, the Senator from Louisiana will vote against any effort to foreclose his right to discuss it.

Mr. DOUGLAS. Mr. President, I am not engaging in a filibuster. I do not believe in filibusters. I should like to point out that the discussion this afternoon has been completely germane to the subject, except for such interruptions as have been made by certain other Members of the Senate.

However, I believe in a thorough discussion of this subject. I feel strong and vigorous, and I am ready to continue.

Mr. LONG. Mr. President, will the Senator from Illinois yield at this time?

Mr. DOUGLAS. I yield.

Mr. LONG. Some of us, of course, believe that if a Senator wishes to filibuster, he has a right to do so, if he feels strongly enough about an issue.

Mr. DOUGLAS. This is not at all a filibuster, and I do not believe in filibusters.

Mr. LONG. I did not wish to suggest at all that the Senator from Illinois was filibustering on this issue. So far as those of us who are supporting the joint resolution are concerned, we do not suggest it at all.

I merely wished to suggest to the Senator from Illinois that if he desires to conclude his speech at this time and then make another speech later on, I am sure he will have an opportunity to make one or more additional speeches before this matter is finally decided.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield at this time, to permit me to move that the Senate take a recess until tomorrow, at 12 o'clock?

Mr. DOUGLAS. I should like to consider that a little.

The PRESIDING OFFICER. Let the Chair point out to the distinguished Senator from Illinois that although no Senator will be able to make more than two speeches on the joint resolution, a considerable number of amendments will be offered, and speeches can be made on them.

Mr. HILL. Mr. President, will the Senator from Illinois yield to me, with the understanding that by doing so he will not lose the floor? I wish to propound a parliamentary inquiry.

Mr. DOUGLAS. With the understanding that I do not lose the floor, I yield.

Mr. HILL. Will the present occupant of the chair use his great and powerful influence to see to it that at the session tomorrow, the Senator from Illinois has an opportunity to speak the first thing?

The PRESIDING OFFICER. Yes, the Senator now occupying the chair would be glad to speak to the occupant of the chair at that time, and to ask him—other things being equal, and if the Senator from Illinois were then to address the Chair at the same time that other Senators addressed the Chair—that the Senator from Illinois be favored. [Laughter.]

Mr. DOUGLAS. Under those conditions, Mr. President, and feeling certain that the advice and admonition of the Senator from Ohio would be highly persuasive and probably would be controlling upon any prospective occupant of the chair, I now consent to the suggestion that the Senate take a recess until tomorrow at 12 o'clock.

RECESS

Mr. DANIEL. Mr. President, I move that the Senate stand in recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 32 minutes p. m.) the Senate took a recess until tomorrow, Friday, April 10, 1953, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 9 (legislative day of April 6), 1953:

DEFENSE MOBILIZATION

Arthur S. Flemming, of Ohio, to be Director of Defense Mobilization.

CIVIL SERVICE COMMISSIONER

George M. Moore, of Kentucky, to be a Civil Service Commissioner.

AIR FORCE

The following-named officer for appointment in the Regular Air Force to the grade indicated under the provisions of title V of the Officer Personnel Act of 1947:

Brig. Gen. Edward Higgins White, 238A, to be brigadier general.

The following-named officer for temporary appointment in the United States Air Force under the provisions of section 515, Officer Personnel Act of 1947:

Brig. Gen. Edward Higgins White, 238A, to be major general.

The only consideration that governed Congress in drafting the law, he said, was the best interests of the United States. The attack on the law, the Senator stated, was based on misrepresentation.

It is in the record that every responsible agency of Government inspected the law in minute detail and approved it in final form while it was in process of enactment under a New Deal administration. It had the approval of the Immigration and Naturalization Service, the Department of Justice, the Visa and Passport Division of the State Department, and the Central Intelligence Agency. Two-thirds of the membership of both Houses of Congress voted to override Truman when he tried to kill the law with his veto.

Mr. Eisenhower has fallen for the propaganda of various groups of unassimilated citizens, principally concentrated on the eastern seaboard, who are inclined to give more consideration to compatriots in the old country than to their countrymen in the United States. He would do better to get on with the real jobs which the people expect his administration to accomplish. There are enough of them to occupy him without straying off into the brambles to engage the picayune.

CONFIRMATION OF EXECUTIVE NOMINATIONS

Mr. TAFT. Mr. President, there are three important nominations on the Executive Calendar. I ask unanimous consent that, as in executive session, the nominations be approved. The three nominations appear on the top of page 2 of the Executive Calendar today. I know of no opposition to these nominations, and that is the only reason why I ask unanimous consent that they be confirmed.

HEALTH, EDUCATION, AND WELFARE

The ACTING PRESIDENT pro tempore. The clerk will proceed to read the nominations.

The Chief Clerk read the nomination of Mrs. Oveta Culp Hobby to be Secretary of Health, Education, and Welfare.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. DANIEL subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD at the point where the nomination of Mrs. Oveta Culp Hobby to be Secretary of the Department of Health, Education, and Welfare was confirmed, a statement which I have prepared.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DANIEL ON THE NOMINATION OF MRS. OVETA CULP HOBBY

It is unnecessary for me to commend Mrs. Oveta Culp Hobby to the Senate. Mrs. Hobby has through her varied and consistently outstanding service to the Nation—both as a public official and private citizen—won for herself an enviable reputation which my words are inadequate to enhance.

Few Americans have dedicated more of their lives to worthy public service than has this gracious Texas lady. In her home State, Mrs. Hobby's outstanding abilities were first acknowledged when she was chosen to be parliamentarian for the Texas House of Representatives. From that time on she has had an absorbing interest in the operations of the governmental systems which serve the people, and she has worked incessantly to improve the services rendered to the people.

This experience has, in a unique sense, qualified her particularly to serve in the position for which President Eisenhower has nominated her. She is ideally selected to bear the responsibility for organizing effectively this new Department which comes into being tomorrow. Further, she is ably qualified by reason of her great personal compassion for the problems of individuals to direct this new Department of Health, Education, and Welfare which will exercise such an important influence upon the lives of so many.

Mrs. Hobby understands the fine line of distinction which divides security and liberty. She understands that individual liberty is the roadway to individual security—that without liberty, there can be no security.

In the exercise of the duties of her new office, I know that Mrs. Hobby will follow that code and that under her guidance the programs administered by her Department will foster liberty as well as provide security.

The people of Texas are—on this occasion—proud of Mrs. Hobby, proud for the proper recognition she has earned for herself and proud also for the honor she has brought to our State.

UNITED STATES TARIFF COMMISSION

The Chief Clerk read the nomination of Joseph E. Talbot, of Connecticut, to be a member of the United States Tariff Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

RURAL ELECTRIFICATION ADMINISTRATION

The Chief Clerk read the nomination of Ancher Nelsen, of Minnesota, to be Administrator of the Rural Electrification Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. TAFT. I ask that the President be notified immediately of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. The President will be so notified.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. DOUGLAS obtained the floor.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. I offer an amendment in the nature of a substitute for the committee amendment to the joint resolution now before the Senate. My bill, S. 107, is offered as a substitute.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be printed in the RECORD, without reading; and it becomes the pending question.

The amendment in the nature of a substitute proposed by Mr. ANDERSON is as follows:

In lieu of the language proposed to be inserted by the committee amendment, insert the following:

"That (a) the provisions of this section shall apply to all mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State): *Provided*—

"(1) That such lease, or a true copy thereof, shall have been filed with the Secretary by the lessee or his duly authorized agent within 90 days from the effective date of this joint resolution, or within such further period or periods as may be fixed from time to time by the Secretary;

"(2) That such lease was issued (i) prior to December 21, 1948, and was on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it, or (ii) with the approval of the Secretary and was on the effective date of this joint resolution in force and effect in accordance with its terms and provisions and the law of the State issuing it;

"(3) That within the time specified in paragraph (1) of this subsection, there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction and stating that the lease was in force and effect as required by the provisions of paragraph (2) of this subsection or (ii) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents, and the Secretary shall determine whether such lease was so in force and effect;

"(4) That except as otherwise provided in section 3 hereof, all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this joint resolution, which have not been paid in accordance with the provisions thereof, and all rents, royalties, and other sums payable under such a lease after the effective date of this joint resolution shall be paid to the Secretary, who shall deposit them in a special fund in the Treasury to be disposed of as hereinafter provided;

"(5) That the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this joint resolution;

"(6) That such lease was not obtained by fraud or misrepresentation;

"(7) That such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

"(8) That such lease provides for a royalty to the lessor of not less than 12½ percent in amount or value of the production saved, removed, or sold from the lease: *Provided, however,* That if the lease provides for a lesser royalty, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

"(9) That such lease will terminate within a period of not more than 5 years from the effective date of this joint resolution in the absence of production or operations for drilling: *Provided, however,* That if the lease provides for a longer period, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the reduction of such period, so that it will not exceed the maximum period herein specified; and

"(10) That the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other requirements as the Secretary may deem to be reasonable and necessary to protect the interests of the United States.

"(b) Any person holding a mineral lease which comes within the provisions of subsection (a) of this section, as determined by the Secretary, may continue to maintain such lease, and may conduct operations thereunder, in accordance with its provisions for the full term thereof and of any extension, renewal or replacement authorized therein or heretofore authorized by the law of the State issuing such lease: *Provided, however,* That if oil or gas was not being produced from such lease on or before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretoiore authorized by the laws of the State issuing, or whose grantee issued, such lease. A negative determination under this subsection may be made by the Secretary only after giving to the holder of the lease notice and an opportunity to be heard.

"(c) With respect to any mineral lease that is within the scope of subsection (a) of this section, the Secretary shall exercise such powers of supervision and control as may be vested in the lessor by law or the terms and provisions of the lease.

"(d) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this joint resolution.

"SEC. 2. The Secretary is authorized, with the approval of the Attorney General of the United States and upon the application of any lessor or lessee of a mineral lease issued by or under the authority of a State, its political subdivision or grantee, on tidelands or submerged lands beneath navigable inland waters within the boundaries of such State, to certify that the United States does not claim any proprietary interest in such lands or in the mineral deposits within them. The authority granted in this section shall not apply to rights of the United States in lands (a) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (b) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (c) which the United States lawfully holds under the law of the State in which the lands are situated; or (d) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians.

"SEC. 3. In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 1 of this joint resolution, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy: *Provided, however,* That the authorization contained in this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this joint resolution. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 1 (a) (4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged land of the Continental Shelf, the lessee, if he has not already done so, shall comply with the requirements of section 1 (a), and thereupon the provisions of section 1 (b) shall govern such lease. The following stipulations and authorizations are hereby approved and confirmed: (i) The stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 26, 1947, relating to certain bays and harbors in the State of California; (ii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 26, 1947, relating to the continuance of oil and gas operations in the submerged lands within the boundaries of the State of California and herein referred to as the operating stipulation; (iii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 28, 1948, extending the term of said operating stipulation; (iv) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated August 2, 1949, further extending the term of said operating stipulation; (v) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated August 21, 1950, further extending and revising said operating stipulation; (vi) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated September 4, 1951, further extending and revising said operating stipulation; (vii) the notice concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" issued by the Secretary of the Interior on December 11, 1950 (15 F. R. 8835), as amended by the notice dated January 26, 1951 (16 F. R. 953), and as supplemented by the notices dated February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), April 23, 1951 (16 F. R. 3623), June 25, 1951 (16 F. R. 6404), August 22, 1951 (16 F. R. 8720), October 24, 1951 (16 F. R. 10998), and December 21, 1951 (17 F. R. 43), respectively.

"SEC. 4. (a) In order to meet the urgent need during the present emergency for further exploration and development of the oil and gas deposits in the submerged lands of the Continental Shelf, the Secretary is authorized, pending the enactment of further legislation on the subject, to grant to the qualified persons offering the highest bonuses on a basis of competitive bidding oil and gas leases on submerged lands of the Continental Shelf which are not covered by leases within the scope of subsection (a) of section 1 of this joint resolution.

"(b) A lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

"(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

"(d) The issuance of any lease by the Secretary pursuant to this section 4 of this joint resolution, or the refusal of the Secretary to certify that the United States does not claim any interest in any submerged lands pursuant to section 2 of this joint resolution, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is submerged land beneath navigable inland waters.

"SEC. 5. (a) Except as provided in subsection (b) of this section—

"(1) thirty-seven and one-half percent of all moneys received as bonus payments, rents, royalties, and other sums payable with respect to operations in submerged lands of the Continental Shelf lying within the seaward boundary of any State shall be paid by the Secretary of the Treasury to such State within 90 days after the expiration of each fiscal year; and

"(2) all other moneys received under the provisions of this joint resolution shall be held in a special account in the Treasury pending the enactment of legislation by the Congress concerning the disposition thereof.

"(b) The provisions of this section shall not apply to moneys received and held pursuant to any stipulation or agreement referred to in section 3 of this joint resolution pending the settlement or adjudication of the controversy.

"(c) If and whenever the United States shall take and receive in kind all or any part of the royalty under a lease maintained or issued under the provisions of this joint resolution and covering submerged lands of the Continental Shelf lying within the seaward boundary of any State, the value of such royalty so taken in kind shall, for the purpose of subsection (a) (1) of this section, be deemed to be the prevailing market price thereof at the time and place of production, and there shall be paid to the State entitled thereto 37½ percent of the value of such royalty.

"SEC. 6. (a) The President may, from time to time, withdraw from disposition any of the unleased lands of the Continental Shelf and reserve them for the use of the United States in the interest of national security.

"(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of the oil and gas produced from the submerged lands covered by this joint resolution.

"(c) All leases issued under this joint resolution, and leases, the maintenance and operation of which are authorized under this joint resolution, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon a recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President after the effective date of this joint resolution, to suspend operations under, or to terminate any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended or whose lease is thus terminated.

"SEC. 7. Nothing herein contained shall affect such rights, if any, as may have been acquired under any law of the United States by any person on lands subject to this joint resolution and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing herein contained is intended or shall be construed as a finding, interpretation, or construction by the Congress that

the law under which such rights may be claimed in fact applies to the lands subject to this joint resolution or authorizes or compels the granting of such rights of such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything herein contained.

"SEC. 8. The United States consents that the respective States may regulate, manage, and administer the taking, conservation, and development of all fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life within the area of the submerged lands of the Continental Shelf, lying within the seaward boundary of any State, in accordance with applicable State law.

"SEC. 9. The United States hereby asserts that it has no right, title, or interest in or to the lands beneath navigable inland waters within the boundaries of the respective States, but that all such right, title, and interest are vested in the several States or the persons lawfully entitled thereto under the laws of such States, or the respective lawful grantees, lessees, or possessors in interest thereof under State authority.

"SEC. 10. Section 9 of this joint resolution shall not apply to rights of the United States in lands (1) which have been lawfully accrued by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (2) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (3) which the United States lawfully holds under the law of the State in which the lands are situated; or (4) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians. This joint resolution shall not apply to water power, or to the use of water for the production of power, or to any right to develop water power which has been or may be expressly reserved by the United States for its own benefit or for the benefit of its licensees or permittees under any law of the United States.

"SEC. 11. (a) Any right granted prior to the enactment of this joint resolution by any State, political subdivision thereof, municipality, agency, or person holding thereunder to construct, maintain, use, or occupy any dock, pier, wharf, jetty, or any other structure in submerged lands of the Continental Shelf, or any such right to the surface of filled-in, made, or reclaimed land in such areas, is hereby recognized and confirmed by the United States for such term as was granted prior to the enactment of this joint resolution.

"(b) The right, title, and interest of any State, political subdivision thereof, municipality, or public agency holding thereunder to the surface of submerged lands of the Continental Shelf which in the future become filled-in, made, or reclaimed lands as a result of authorized action taken by any such State, political subdivision thereof, municipality, or public agency holding thereunder for recreation or other public purpose is hereby recognized and confirmed by the United States.

"SEC. 12. Nothing in section 11 of this joint resolution shall be construed as confirming or recognizing any right with respect to oil, gas, or other minerals in submerged lands of the Continental Shelf; or as confirming or recognizing any interest in submerged lands of the Continental Shelf other than that essential to the right to construct, maintain, use, and occupy the structures enumerated in that section, or to the use and occupancy of the surface of filled-in or reclaimed land.

"SEC. 13. The structures enumerated in section 11, above, shall not be construed as including derricks, wells, or other installations in submerged lands of the Continental Shelf employed in the exploration, development, extraction, and production of oil and gas or other minerals, or as including necessary structures for the development of water power.

"SEC. 14. Nothing contained in this joint resolution shall be construed to repeal, limit, or affect in any way any provision of law relating to the national defense, the control of navigation, or the improvement, protection, and preservation of the navigable waters of the United States; or to repeal, limit, or affect any provision of law heretofore or hereafter enacted pursuant to the constitutional authority of Congress to regulate commerce with foreign nations and among the several States.

"SEC. 15. Any person seeking the authorization of the United States to use or occupy any submerged lands of the Continental Shelf for the construction of, or additions to, installations of the type enumerated in section 11 of this joint resolution, shall apply therefor to the Chief of Engineers, Department of the Army, who shall have authority to issue such authorization, upon such terms and conditions as in his discretion may seem appropriate.

"SEC. 16. Within 2 years of the date of the enactment of this joint resolution the Chief of Engineers shall submit to the Congress his recommendations with respect to the use and occupancy of submerged lands of the Continental Shelf for installations of the type enumerated in section 11 of this joint resolution.

"SEC. 17. The Secretary is authorized to issue such regulations as he may deem to be necessary or advisable in performing his functions under this joint resolution.

"SEC. 18. When used in this joint resolution, (a) the term 'tidelands' means lands situated between the lines of mean high tide and mean low tide; (b) the term 'navigable' means navigable at the time of the admission of a State into the Union under the laws of the United States; (c) the term 'inland waters' includes the waters of lakes (including Lakes Superior, Michigan, Huron, Erie, and Ontario to the extent that they are within the boundaries of a State of the United States), bays, rivers, ports, and harbors which are landward of the ocean; and lands beneath navigable inland waters include filled-in or reclaimed lands which formerly were within that category (d) the term 'submerged lands of the Continental Shelf' means the lands (including the oil, gas, and other minerals therein) underlying the open ocean, situated seaward of the ordinary low-water mark on the coast of the United States and outside the inland waters, and extending seaward to the outer edge of the Continental Shelf; (e) the term 'seaward boundary of a State' means a line 3 nautical miles seaward from the points on the coast of a State at which the submerged lands of the Continental Shelf begin; (f) the term 'mineral lease' means any form of authorization for the exploration, development, or production of oil, gas, or other minerals; and (g) the term 'Secretary' means the Secretary of the Interior."

Amend the title so as to read: "Joint resolution to provide for the development of the oil and gas reserves of the Continental Shelf adjacent to the shores of the United States, to protect certain equities therein, to confirm the titles of the several States to lands underlying inland navigable waters within State boundaries, and for other purposes."

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HILL. Mr. President, on behalf of myself, the Senator from Illinois [Mr. DOUGLAS], the junior Senator from West Virginia [Mr. NEELY], the Senator from New Hampshire [Mr. TOBEY], the Senator from North Dakota [Mr. LANGER], the Senator from Oregon [Mr. MORSE], my colleague, the junior Senator from Alabama [Mr. SPARKMAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. HENNINGS], the Senator from New York [Mr. LEHMAN], the senior Senator from Montana [Mr. MURRAY], the Senator from Iowa [Mr. GILLETTE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Dakota [Mr. CASE], the senior Senator from West Virginia [Mr. KILGORE], the senior Senator from Rhode Island [Mr. GREEN], the senior Senator from Washington [Mr. MAGNUSON], the junior Senator from Washington [Mr. JACKSON], the junior Senator from Montana [Mr. MANSFIELD], and the junior Senator from Rhode Island [Mr. PASTORE], I propose an amendment to the amendment proposed by the Senator from New Mexico [Mr. ANDERSON] in the nature of a substitute. I ask unanimous consent that the amendment to the amendment be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendment proposed by Mr. HILL, for himself and other Senators, to the amendment of Mr. ANDERSON, in the nature of a substitute for Senate Joint Resolution 13, is as follows:

Strike out subsection (2) of subsection (a) of section 5 and insert in lieu thereof the following:

"(2) All other moneys received under the provisions of this joint resolution shall be held in a special account in the Treasury during the present national emergency and, until the Congress shall otherwise provide, the moneys in such special account shall be used only for such urgent developments essential to the national defense and national security as the Congress may determine and thereafter shall be used exclusively as grants-in-aid of primary, secondary, and higher education.

"(3) It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant, or leases or grants, covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1953, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of such lease or grant, or leases or grants, since January 1, 1940, and the Attorney General shall submit the statements so received to the Congress not later than February 1, 1954."

Mr. FLANDERS and other Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield; and, if so, to whom?

Mr. DOUGLAS. Do I understand that the Senator from Vermont wishes to make a request?

Mr. FLANDERS. I recognize the right of the Senator from Illinois to the floor at this time. I wish to question him as to how much longer, should he

not be interrupted, he expects his presentation will take?

Mr. DOUGLAS. I may say to the Senator from Vermont that I prepared a speech of 52 mimeographed pages. Yesterday I covered 20 of those pages in the course of 6 hours, most of the time being taken up by interruptions for questions—and they were very good interruptions—by other Members of the Senate. Therefore, I have 32 pages remaining. If the questions continue to be asked at the same rate as on yesterday, I anticipate that I can finish in 9 hours today.

Mr. FLANDERS. Then I assume that 6 divided by 20/32 minus 6 equals approximately 9 hours.

Mr. DOUGLAS. I am a little dazed; but if each 10 pages requires 3 hours, and I have 30 pages remaining, that would be 9 hours.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield to me, without jeopardizing his right to the floor?

Mr. DOUGLAS. I yield to the Senator from New Mexico.

Mr. ANDERSON. It is impossible for the Senator to calculate how long the remaining pages will take. I should like to ask unanimous consent, without the Senator from Illinois losing his right to the floor, that the Senator from Vermont be recognized for such time as he may require.

Mr. DOUGLAS. I shall be very happy to do so, provided I do not lose my right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. TAFT. Mr. President, I must object to any such unanimous-consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Illinois has the floor.

Mr. DOUGLAS. Mr. President, I should like to say to my good friend from Vermont and my good friend from Ohio that this is merely another example of the gracious cooperation which we on the Democratic side of the aisle would like to extend to the other side of the aisle if we were permitted to do so.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. TAFT. If the Senator from Illinois wishes to yield to some other Senator for a 5-minute speech, or something of that kind, I shall not raise any objection. However, since there is a major subject before the Senate today, and the Senator from Illinois has a long speech to make, I think he ought to make the speech.

Mr. DOUGLAS. May I ask how long the Senator from Vermont would require?

Mr. FLANDERS. Mr. President, answering the question of the Senator from Illinois, I do not have a long speech by the standards of the Senator from Illinois. I do have a long speech from my own standpoint. However, it is actually very brief. It would require about 35 minutes. The speech has been distributed to the press. I have been televised and recorded, it was really a very grand experience, up until this moment. From this point on I find myself in very serious difficulties.

Mr. DOUGLAS. I suggest to the Senator from Vermont that he address himself to the Senator from Ohio. The Senator from Illinois is perfectly willing to cede the floor to the Senator from Vermont, provided the Senator from Illinois does not lose his right to it.

I am willing to pause a minute or two to permit negotiations between those two eminent members of the majority party as to the extent to which the Senator from Vermont may be permitted to proceed.

Mr. FLANDERS. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Vermont?

Mr. DOUGLAS. I yield for a question.

Mr. FLANDERS. I will put the question in this form: Does not the Senator from Illinois feel that possibly, after he has proceeded for 3 or 4 hours with his speech, and after the Senator from Ohio has had a satisfying lunch, the situation may alter from its present unfavorable aspect?

Mr. DOUGLAS. I cannot pretend to forecast what the psychology or physiology of the Senator from Ohio will be. I can only say that if he is in his usually gracious mood, I would expect that he would permit the Senator from Vermont to speak. I cannot believe that he would refuse permission to the Senator from Vermont, when we on our side of the aisle are so desperately anxious to give the Senator from Vermont an opportunity to make the speech which has been publicized, and therefore make good his appearance upon television, which I am sure was a very satisfactory one.

Mr. POTTER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. POTTER. Now that the Senator from Illinois is in such a gracious mood, I may say that I, too, have a 5-minute speech.

Mr. DOUGLAS. Again the Senator from Illinois says that he is perfectly willing to yield for 5 minutes, provided he does not lose his right to the floor, and provided also that the majority leader gives his consent. I suggest to the Senator from Michigan that he go hat in hand to the Senator from Ohio and address himself to him.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. TAFT. May I ask what subject matter is to be discussed by the Senator from Michigan?

Mr. POTTER. In answer to the Senator from Ohio, let me say that my speech is on the pending legislation, the tidelands joint resolution.

Mr. TAFT. I would not object to the Senator from Illinois yielding, on condition that he does not lose the floor, for not to exceed, say, 10 minutes, so long as the pending subject is discussed. I find that on the subject of the length of time a Senator intends to speak, Senators are probably more unreliable than on any other subject in the world. I always double the time which a Senator requests, and it usually requires longer than that. However, if the Senator from Illinois wishes to yield for not to exceed 10 minutes for a speech on the same subject by another Senator, I certainly agree that he may do so without losing the floor by so doing.

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Michigan under those circumstances?

Mr. DOUGLAS. Mr. President, I ask unanimous consent that permission be given to the Senator from Michigan to speak for the length of time stated by the Senator from Ohio, with the understanding that the Senator from Illinois shall not lose his right to the floor.

I suggest to the Senator from Vermont that the Senator from Ohio shows signs of melting, and that possibly later in the afternoon the Senator from Vermont may have an opportunity to speak.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Illinois? The Chair hears none, and the Senator from Michigan may proceed.

Mr. POTTER. Mr. President, I thank the Senator from Illinois and also the Senator from Ohio for giving me this opportunity to say my few words. I emphasize the "few words," because I am sure the speech will be confined to 5 minutes.

Mr. President, I should like to say a few words in behalf of Senate Joint Resolution 13, introduced by the distinguished senior Senator from Florida [Mr. HOLLAND]. I am honored to join in its sponsorship with 39 other Senators.

I believe it should be noted that the Holland bill is identical to the so-called tidelands bill which was passed by the Congress last year as Senate Joint Resolution 20 and vetoed by President Truman. During the ensuing months there has been considerable discussion of the merits of this measure and other measures relating to the ownership of submerged tidal lands and the development of the vast resources within those lands.

The Senate Interior and Insular Affairs Committee held extensive hearings on this controversial subject, in which all points of view were expressed, and published a voluminous report of the proceedings complete with charts, statements, and other exhibits, covering 1,282 pages, which very clearly delineated the salient arguments both pro and con. Most of us have read this excellent report with considerable care, and we are familiar with the several arguments advanced by both sides. Moreover, we have followed the proceedings in the House, which, after considerable debate, passed a bill giving the States title to submerged coastal lands by a vote of 285 to 108, a vote even larger than its decision in 1951. I do not intend, therefore, to consume the valuable time of the Senate by reviewing these arguments.

I do, however, wish to express the interests of the great State of Michigan in this joint resolution, which once and for all confirms and establishes the titles of the States to lands beneath the navigable

waters within their boundaries and reaffirms their proprietary rights in the use, development, and control of such lands.

Of the 38 million acres of submerged lands in the Great Lakes, 24,613,760 acres lie within the boundaries of the State of Michigan. This vast area comprises more that one-third of the total land area of Michigan and involves an acreage even greater than all of the marginal sea lands claimed by the combined 21 coastal States.

Mr. President, I am not impressed by those who argue that the passage of this bill would favor three States to the exclusion of others, nor am I disturbed by those who argue that Federal ownership is necessary in the best interests of our national defense. On the contrary, 48 States have valuable resources beneath their navigable waters, 20 States have marginal sea boundaries, 6 have boundaries on the Great Lakes, and 2 States, New York and Pennsylvania, have boundaries on both the ocean and the Great Lakes. Moreover, the States individually and collectively, are obviously interested in a strong national defense since it means the defense of each and all of them.

Finally, let me say that I shall bitterly oppose those who are using education in general, and teachers in particular, as tools in their efforts to gain support which otherwise would not be theirs.

When the State of Michigan permits the orderly development of the vast resources beneath the bottoms of the Great Lakes, it is contributing to the national defense as much if not more than if the same resources were being developed by the Federal Government, while at the same time it refers to the States powers which inherently belong to the States. In fact, during the last war the greatest part of our oil production was explored and produced by the oil industry functioning under State regulatory bodies, and it is legal and proper that the States be given a clear title to these lands to encourage their fullest development.

Furthermore, I believe it is important for us to recall again that 48 Justices of the United States Supreme Court, including such eminent and distinguished jurists as William Howard Taft, Oliver Wendell Holmes, Charles Evans Hughes, and Louis D. Brandeis all recognized State ownership of offshore lands. Only in the recent decision handed down in the California case did the Supreme Court vary its position, yet even in this case Justice Hugo Black wrote in his majority opinion that the United States Supreme Court had "many times used language strong enough to indicate that the Court believed then that the States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not."

I am therefore hopeful that the Senate will act favorably on the pending joint resolution, which is both legally and morally in accordance with the principles of Federal-State relations upon which our great Nation was founded.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials relating to the pending business, one entitled "Giveaway in Oil," from the New York Times of April 10, and the other entitled "Offshore Piracy," from the Washington Post of April 3, 1953.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times of April 10, 1953]

GIVEAWAY IN OIL

A debate is going on in the United States Senate at the present time that deserves far more attention than is being given it. This debate provides no thrills or sensations, but it is of vital importance to the people of this country all the same. It concerns an attempt to take from all the people of all the United States billions of dollars' worth of property that is rightfully theirs, and to present it to the people of a handful of States, notably Texas, Louisiana, California, and Florida. It is the debate on offshore oil.

Three times the Supreme Court has held that the National Government has paramount rights and full dominion over the submerged lands of the marginal sea, which means the area from low-water mark out to the 3-mile limit. It will be noted that lands covered and uncovered by movement of the tides are not involved, as they clearly belong to the States, as do lands under inland waters—and throughout this battle the Federal Government has never laid claim to them.

The bill now under discussion in the Senate would grant the States development rights to oil found within their so-called historic boundaries, which means at least out to the 3-mile limit and in some cases an indeterminate distance beyond. No one knows just what will happen in international law when a State's boundary is extended farther than the traditional 3-mile limit, in view of the historic position of the United States that all governments, including our own, can properly claim jurisdiction over the sea only 3 miles out from low-water mark, and no farther. Even the presidential proclamation that in 1945 established the Federal Government's claim to the natural resources of the seabed of the Continental Shelf (extending far beyond the 3-mile limit in the Gulf of Mexico) specifically stated that "the character as high seas of the waters above the Continental Shelf * * * [is] in no way * * * affected."

The administration itself, which unfortunately has favored this gigantic giveaway to the States, has had to do a certain amount of backtracking already in an effort to bring the offshore oil bill into conformity with constitutional and international law. But quite apart from the complications involved in giving individual States any kind of rights beyond the 3-mile limit, there is no justification that we can see in giving them even the oil between the low-water mark and the 3-mile limit.

Congress unquestionably has the right to do so if it chooses, but in doing so it nullifies decisions of the Supreme Court, it benefits a few States at the expense of the rest of us, it divests the Federal Government of control over a resource vital to the national defense, it paves the way for State claims even beyond the historic boundaries and it raises a threat to the rest of our federally owned properties in public lands, forests, and parks throughout the Nation. The Senators, including Mr. LEHMAN, of New York, who are fighting the offshore oil legislation are doing a public service in calling its dangers to the attention of the country.

[From the Washington Post of April 3, 1953]

OFFSHORE PIRACY

The skids now seem to be thoroughly greased for sliding the latest of the so-called tideland oil bills down the legislative runways. The House having acted on the matter Wednesday, only senatorial concurrence and Presidential approval are now needed to make effective, and probably irrevocable, the transfer of a great national asset from the people of the United States to the people of a few interested coastal States. Although many of the proponents of this transfer are undoubtedly sincere in their conviction that the States own the open ocean to the limit of their historical boundaries, all of the judicial authorities are against them; and posterity, we predict, will look upon this giveaway as profligate and shameful.

That the congressional Representatives of California, Texas, and Louisiana should vote for this measure giving their own States mineral resources which, according to the Supreme Court, belong to the whole of the Federal Union is unfortunate but understandable. That the congressional Representatives of inland States should join in stripping the Nation of this area for the exclusive benefit of the coastal States is a tribute to the confusion which prevails (and which has been fostered from the beginning of the controversy) over the distinction between tideland and inland waters on the one hand and the marginal sea and the Continental Shelf on the other.

The Federal Government has never at any time claimed tideland or inland waters, and the Supreme Court made it abundantly clear that the State titles to these areas are indisputable. The Supreme Court made it equally clear, however, that the States have no title and have never had title to any part of the open sea, regardless how far out their political boundaries may be said to extend. The open sea, from the low-tide mark to the traditional 3-mile limit, is under the dominion of the Federal Government as an attribute of national sovereignty.

It at least diminishes the injury and iniquity of the measure as passed by the House that it recognizes Federal dominion over that portion of the Continental Shelf lying outside the State political boundaries. The House bill provides specific authority for Federal development of this outlying area, while the Senate bill in its present form leaves the matter unsettled. Reservation of this outer area for the national defense and welfare is a minimum concession to the rights of the American people. These rights ought to be the first concern of a national legislature.

REASONABLENESS OF SUPREME COURT DECISIONS IN OFFSHORE OIL CASES

Mr. DOUGLAS. Mr. President, when the Senate recessed last night the Senator from Illinois was reviewing the decisions of the Supreme Court dealing with submerged lands and tidelands. He was not attempting to reargue the cases before the Supreme Court in connection with California, Louisiana, and Texas. But he was seeking to indicate that reasonable men could reasonably have come to the conclusions at which the Supreme Court arrived in those cases, namely, that dominion and power, ownership and sovereignty, over the submerged lands seaward from the low-water mark, rested in the United States.

In order that there may be some consecutiveness to the argument which I shall try to make today, I should like to

review what by this time should be crystal clear to everyone, but what I was somewhat startled to hear had not been fully appreciated by the eminent Senator from Michigan [Mr. POTTER] in his recent remarks.

STATE OWNERSHIP UPHELD IN EARLIER CASES DID NOT RELATE TO SUBMERGED LAND BELOW LOW-WATER MARK

In every case which came before the Supreme Court prior to the California case, the factual situation was such that the decisions referred to tidelands, as in the Pollard case; to submerged lands under bays and ports, as in the Waddell case—and bays and ports have always been held to be inland water—to submerged lands under rivers, and I cited 10 cases in that connection; or to submerged lands under lakes, of which perhaps the leading case is the Illinois Central case, dealing with lands under Lake Michigan off the shores of my own city of Chicago. In all these cases, some 42 in number, the Supreme Court ruled that ownership of and title to the tidelands and the submerged lands under inland waters rested with the States. I wish to point out that the Government has never proposed that these decisions should be reversed. On the contrary, in the California case they specifically proposed that the decisions be reaffirmed.

I should furthermore like to point out that in the two Anderson bills which are before the Senate, and which I have the honor to support, we are asked to confirm by statute these past decisions of the Supreme Court, not because we believe it is necessary to do so, but in order to quiet the unfounded fears which have been aroused by the attorneys general from the 3 or 4 coastal States which are really involved.

I wish to make it clear that never in the history of the Supreme Court, until the California case was decided in 1947, was the Supreme Court called upon to decide the question of ownership of and paramount rights in submerged lands seaward from low-water mark. That was the first time that issue came before the Supreme Court, and any attempt to stretch the facts of previous cases to show that the Supreme Court was bound to decide these three cases in favor of State ownership is tortuous and ill founded. The facts of the matter are that in each of these three cases, decided in 1947 and in 1950, the Supreme Court distinguished very carefully the new facts presented to it and the new cases presented to it from the old facts and the old cases. Here it had for the first time to deal with the question of submerged lands seaward from the low-water mark, out and beyond tidelands. The Court ruled that ownership of and title to these submerged lands rested in the Federal Government. As I have said, it is not my purpose to reargue those cases, but I think it is appropriate briefly to review the decisions of the Court to indicate that reasonable men could reasonably have come to the conclusions which the Supreme Court reached.

COLONIES DID NOT OWN LANDS UNDER MARGINAL SEA

In the first place, the Court pointed out that there was no historical record of title to the submerged lands being given to the Colonies by the Crown. The Colonies claimed various boundaries, but, as the Court pointed out, the people at that time were interested in making a living upon the land, and in fishing upon the body of the waters off the land. It never occurred to them that the submerged lands underneath the ocean were valuable, were at stake, or were matters for their concern. The Court held, therefore, that there was a legal vacuum so far as the ownership of submerged lands in these waters was concerned, and that indeed so far as boundaries were concerned, it was not clear that the Crown had recognized all the charters which the Colonies possessed.

THOMAS JEFFERSON FIRST CLAIMED MARGINAL BELT FOR NATION IN 1793

The Court held that this vacuum continued until 1793 when the Secretary of State, Thomas Jefferson, asserted in behalf of the United States National Government, or Federal Government, if you will, dominion and power over 3 miles in the marginal sea seaward from the coastline, on the ground that this was an area which the United States had to protect, and over which it should therefore be given dominion. Three miles was chosen by Jefferson apparently because that was the farthest distance a cannonball would carry at that time. He tentatively rejected 20 miles, which was the approximate farthest distance the human eye could see.

The Court pointed out that this claim was asserted, not for the State governments, not for the Colonies as being previously possessed by them, but asserted, on this first occasion, for the National Government. It is further significant to observe that in the concluding sentence of his note to the British Minister, Jefferson drew a very clear distinction between the external waters of the United States and the inland waters of the United States, and clearly said that bays, ports, and rivers were understood to be within the consideration and power of the State governments.

It was the subject matter of that last sentence of Jefferson's that the courts dealt with in this unbroken series of earlier decisions. Once again I wish to emphasize, however, that it was not until 1947 that they implemented the major portion of Jefferson's letter, namely, that for at least 3 miles seaward from the low-water mark it was the National Government which had dominion and power over the waves. This was the reasoning, therefore, of the court: That this area was in the dominion and sovereign power of the National Government; that ownership of and title to the submerged lands seaward from the low-water mark has always rested in the National Government; that it had never been possessed by the Colonies, and therefore never was transmitted to the Original Thirteen States; that therefore it could never have been acquired by additional coastal States admitted to the Union subsequent to 1789, because the original States never possessed it at all; and that if there was zero title and ownership on the part of the Thirteen Original States, there would be zero title and ownership on the part of the States which subsequently came into the Union on an equal footing—all zeroes being equal to each other.

IF BRITISH CROWN HAD OWNERSHIP RIGHTS IN MARGINAL SEAS, THESE PASSED TO UNITED STATES, NOT INDIVIDUAL STATES

I pointed out that this was the reasoning of the Court; but that even if one took the view that the British Crown had rights in the submerged lands seaward from the low-water mark, still, according to Mr. Justice Story in his Commentary on the Constitution of the United States and according to the decision of the Supreme Court in an opinion handed down by Mr. Justice Sutherland, in United States against Curtiss-Wright, which I quoted, these rights, if the British Crown possessed them, passed, not to individual States, but to the United States of America; that not only when the Constitution was formed in 1787 and the Government which we now have was established in 1789, but as far back as the Declaration of Independence, it was the United States of America, as an entity, which threw down its defiance to the British Crown, and assumed, in the sight of nature and of nature's God, the sovereignty which formerly the British Crown possessed.

Therefore, if one took this point of view—even if it be granted, which the court denied, that the Crown had ownership of and title to the submerged lands—nevertheless this ownership and title, under the views of Mr. Justice Story and of the Supreme Court, would pass, not to the States, but to the National Government as such.

I may say that the question of whether the new government was merely a federation of States or whether it constituted a union of the people, was, of course, a great issue in this Nation and in this body in the years preceding 1861. Although I do not wish to refight old battles or open up old sores, it was decided by the American people, in processes which we hope will never be repeated, that the view of Mr. Justice Story was correct, that ours is a government of the people of the United States, an indestructible Union of indestructible States, not merely a loose federation of sovereign States, from which individual States may secede at will.

So, whichever basis or argument one takes—whether the reasoning of the Court or the reasoning which the Court did not take but might have taken—we arrive at the same result, namely, that ownership of and title to the submerged lands in the marginal seas rest in the National Government and always has rested in the National Government, not in the States; and therefore I believe we must conclude that the decision of the United States Supreme Court in the California case, and subsequently in the Louisiana and Texas cases, did not consist of law which was suddenly improvised in accordance with passion and prejudice; but the Court merely put into effect deep and underlying principles which the great brain of Jefferson had enunciated more than a century and a half before, but which first came to be tested in these three cases before the Supreme Court.

EARLY 17TH CENTURY BRITISH CASES NOT CONTROLLING IN UNITED STATES

I shall not go at length into the very learned legal argument made by the distinguished junior Senator from Texas [Mr. DANIEL], based upon the British common law—the argument that in 1610 British courts recognized ownership of and title to the waters and lands off the coasts of Great Britain as belonging properly to the British Crown, and that because of that recognition the court subsequently extended the same sovereign powers to the lands under inland rivers of Great Britain and lands washed by the tides, and that if we were to put our selves on all fours with British law, we would have to come to the same result in this case, namely, that ownership of lands under the marginal sea was in the same hands as ownership of the tidelands and lands under inland waters.

There are a number of replies to make to that argument. In the first place, I do not believe that the United States should be rigidly held to adopt principles of British common law. We are a nation of our own, with peculiar problems, with an independent development of law.

Secondly, I would observe that in Great Britain—since Great Britain is a small country—the navigable portions of its rivers are in fact merely extensions of the sea, washed by the tides. I do not pretend to have traversed all the rivers of Great Britain, but I have canoed on a great many of them—on the Thames and on some of the rivers in western England. In nearly every case the rivers which are navigable are tide washed and are, in fact, extensions of the sea. In most cases salt water goes up them very far. Therefore, the decision of the English courts making the inland rivers mere extensions of the sea may be very proper.

However, in a huge continent like the United States, the navigable rivers of our country are, in the main fresh water. The tidewater goes up them some miles, but in the main the rivers are fresh water. Therefore, in our country we had a different situation in fact and had to develop a new system of law.

Third, I would observe that the British Government is a unitary government. In Great Britain there is no intermediate government between the county and the parish, which represent local government, and the Government of Great Britain, which represents national government. Britain has no intermediate form of government corresponding to our States. Therefore, when the dominance of the state was asserted in Britain, it became, of necessity, the dominance of the National Government and the Crown, because there was no intermediate government to which control over inland waters could be given.

On the other hand, in the United States we have hit upon the happy device—largely as a result of history, but fortunately, as it has turned out—of the States as intermediate governments to which are delegated large shares of power. The Constitution lays down certain general principles for the division of power between the States and the National Government. The Supreme Court has, as a large portion of its duties, the determination of where these respective zones of authority and of power lie.

TIDELANDS AND INLAND WATERS DECISIONS AND OFFSHORE LANDS DECISIONS WERE PROPER EXERCISE OF SUPREME COURT'S FUNCTIONS

Therefore, I wish to point out that the Supreme Court was properly exercising this constitutional function when it decided in the 42 cases preceding 1947 that ownership of and title to the tidelands, ownership of and title to the submerged lands under bays and ports, ownership of and title to the submerged lands under rivers, and ownership of and title to the submerged lands under lakes, including the Great Lakes, properly belonged to the States. Those were very proper decisions. They were, and are, settled law.

It was equally proper for the Supreme Court in the three cases of California, Louisiana, and Texas to decide that ownership of and title to the submerged lands seaward of the low-water mark, at least out to the zone of American control, rested in the National Government, because it was the National Government which had to protect those areas and make treaties concerning them; it was the National Government which, in the main, had to assume responsibility for those areas; it was the National Government which regulated commerce in those areas. Therefore, the National Government should not cede and need not grant to States adjoining, by accident, these waters of the seas, ownership of and title to the submerged lands; but ownership of and title to these lands followed logically from the powers and responsibilities which the National Government was compelled to assume.

So, Mr. President, I submit that the reasoning of the court is logical and reasonable, and that it would be improper for the Congress of the United States to pass upon this question and to reverse and turn back to the States, on a point of law which judges who know far more about the law than we do have affirmed to be incorrect, lands which belong to the National Government. That, Mr. President, is a rough review, an incomplete review, an impromptu review of what I tried to say in the concluding hours of my speech yesterday afternoon.

REASONING OF COURT IN TEXAS CASE OF 1950

I should now like to continue, if I may, on the special case of Texas. Once again, I do not intend to reargue the Texas case. We have here the distinguished junior Senator from Texas, who argued that case in behalf of the State of Texas before the Supreme Court. I do not view this body as a supreme court. I do not intend to go into the minutiae and the genealogy of Texas, or all the historical claims of Texas. I shall content myself moderately with indicating merely that the Court had before it in the briefs of the parties all the relevant facts, and had all the arguments of the Senator from Texas; that it came to a conclusion which cannot be pronounced to be unreasonable; and that we therefore should be very chary about reversing it. Therefore, without wishing to say that my discussion is in any sense definitive, I desire briefly to review the opinion of the Court in the Texas case.

It was argued by the very able junior Senator from Texas, then the attorney general of the State of Texas, that the Texas case stood on a somewhat different footing than that of California. Texas was an independent republic from 1836 to 1845, and was recognized as such by the United States. Their congress defined their southern boundary as running along the Gulf of Mexico 3 leagues from land to the mouth of the Rio Grande. Perhaps I should say their southeastern boundary. This amounted to 10½ land miles, and probably continued the old Mexican and Spanish custom in this respect. Some day I should like to have a private talk with the Senator from Texas. I think the Texas law of 1836 probably continued the old Mexican, and perhaps the previous, old Spanish custom in this respect; and we may find that the claims of Florida and Texas have a common rooting in Spanish law.

Texas claims that she brought this marginal belt of sea into her territory and applied to it a law recognizing the ownership in minerals under coastal waters. Texas therefore argues that the Republic of Texas acquired the same interest in its marginal sea as the United States had in the sea off California when in 1848 it bought the territory from which the State of California was later formed. Texas, as I understand, also contends that this boundary was recognized by the United States in 1844 when the executive department under President Tyler and William D. Upshur, as Secretary of State, negotiated a treaty of annexation with the Lone Star State. It contends that this was further confirmed in the Treaty of Guadalupe Hidalgo with Mexico which Congress ratified in 1848 and which fixed the starting point for the boundary of Texas at a point 3 leagues off the mouth of the Rio Grande.

I do not wish to intrude unduly into the reasoning of the Supreme Court. But suffice it to say that the treaty of annexation with Texas was never ratified by the Senate or approved by Congress. I am startled to find how many of my own Texas friends do not realize this. The very able junior Senator from Texas, of course, realizes it, and has so stated on the floor of this body. But I have talked with at least 30 or 40 very able Texans, many of them attorneys, all of whom point to the treaty of annexation negotiated by Tyler with the Republic of Mexico, and submitted to the Senate in 1844 as binding on us today.

The facts, of course, are that that treaty was rejected by the Senate of the United States, was never ratified, and so, therefore, nullified. But Texas was admitted to the Union by a procedure which included a preliminary resolution of Congress of March 1845, and a final joint resolution of December 29, 1845. I desire to point out that both the preliminary resolution of March 1, 1845, and the final resolution of December 29, 1945, specifically state that Texas is to be admitted on an equal footing with the existing States.

Mr. DANIEL. Mr. President——

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator

from Illinois yield to the Senator from Texas?

Mr. DOUGLAS. Yes; certainly.

Mr. DANIEL. I am sure the Senator from Illinois would not want that statement to remain in the RECORD, if it is incorrect.

Mr. DOUGLAS. Oh, certainly not.

Mr. DANIEL. The preliminary resolution of March 1, 1845, which was the only resolution ever offered to Texas, had an alternative proposal in section 3 which would have admitted Texas on an equal footing. But that alternative provision was never submitted to Texas by the President of the United States, and it was never accepted. That part of the resolution which was submitted to Texas, and which was accepted by Texas, provided that we were to keep all of our lands within our limits, and pay our own public debt. It did not contain within it any word concerning equal footing. Is not that correct?

Mr. DOUGLAS. No; it is not correct, in my judgment. I have before me the resolution. It consists of a preliminary paragraph, three separate paragraphs, and a final "be it resolved." The first two paragraphs contain certain proposals on the subject of public lands. The third paragraph permits the President an alternative course of proceeding to negotiate with the Republic, and then under the final "be it resolved," there is a general statement, apparently not tied to the third paragraph alone, that Texas shall be admitted on an equal footing with all the other States.

Mr. DANIEL. That is in section 3, is it not?

Mr. DOUGLAS. No; it is not in section 3. It follows in the final "Be it resolved" clause, which covers the resolution as a whole.

Mr. DANIEL. The Senator is referring to the last resolution of December 29, which was never submitted to Texas. I am referring to sections 1 and 2 of the original proposal to Texas to enter the Union dated March 1, 1845.

Mr. DOUGLAS. No; I am speaking of the March 1, 1845, preliminary resolution.

Mr. DANIEL. Well then, in the March 1, 1845, resolution, the only words regarding equal footing are in numbered section 3, an alternative proposal which was not submitted to Texas. Is not that correct?

Mr. DOUGLAS. Cn the basis of my reading of the joint resolution, I am inclined to disagree with the Senator on this point. I do not pretend to be an expert, but paragraph 3 starts with "Be it further resolved," and there is then another paragraph following that, which says, *"Be it resolved,* That a State be formed out of the present Republic of Texas, with suitable extent and boundaries," and so forth, and so forth, "on an equal footing with the existing States."

It has been the interpretation of the Senator from Illinois that that has reference to the joint resolution as a whole, and not to the specific third paragraph cited by the Senator from Texas. I say that in all modesty.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. DANIEL. The Supreme Court of the United States made the same error in its original opinion in the Texas case, thinking that section 3 of the original proposal was actually submitted to Texas and was accepted by Texas. But the Supreme Court of the United States amended its opinion, took that reference out of its opinion, and acknowledged by its amendment of the opinion that the words "equal footing" were never submitted to Texas and were never any part of the negotiations.

I am sure the Senator from Illinois will find my statement correct when he studies the matter.

Mr. DOUGLAS. From his long and careful study of this matter, the Senator from Texas may well be correct, but I should like to point out, also, that the final resolution passed on the 29th of December 1845, which actually admitted Texas as a State, specifically provided:

> The State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatsoever.

Mr. DANIEL. That was the final resolution. The Senator will surely readily acknowledge that it was not submitted to Texas. It was a unilateral act of the Congress of the United States after all negotiations were completed. Is not that correct?

Mr. DOUGLAS. It was accepted by Texas.

Mr. DANIEL. I beg the Senator's pardon; it was never submitted to Texas. It was never accepted or even considered.

Mr. DOUGLAS. When was the flag of the Lone Star State pulled down or allowed to drop on the flagpole in front of the Capitol of Texas?

Mr. DANIEL. In 1846.

Mr. DOUGLAS. That was after December 29.

Mr. DANIEL. That is correct.

THE EQUAL FOOTING CLAUSE APPLIED TO TEXAS

Mr. DOUGLAS. The Republic of Texas ceased to exist when the flag of the Lone Star State was allowed to descend; and the admission of Texas as a State began when the Stars and Stripes were raised on the flagpole. That was after December 29, 1845. The Supreme Court has held the equal footing clause in the resolution of December 29, 1845, was binding upon the State of Texas when it came into the Union.

By that act Texas voluntarily ceased to be a separate republic and became one of the States of the American Union. That was the opinion of the Supreme Court when it said:

> When Texas came into the Union, she ceased to be an independent nation. She then became a sister State on an equal footing with all the other States. That act concededly entailed a relinquishment of some of her sovereignty. The United States then took her place as respects foreign commerce, the waging of war, the making of treaties, defense of the shores, and the like. In external affairs the United States became the sole and exclusive spokesman for the Nation. We hold that as an incident to the transfer of that sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States.

In other words, the principle of equal rights and of an equal footing between the States meant that Texas could not come into the Union with greater rights and powers than its sister States, and that since the other States had been held not to have paramount rights in the submerged land in the marginal sea, neither could Texas. When the Lone Star Flag was hauled down from the Texas Capitol and the Stars and Stripes were hauled up, the Republic of Texas ceased to exist, but Texas as a State was born. She may have had her claimed boundaries when the Lone Star went down. She did not have them when the Stars and Stripes went up.

Whatever special rights, sovereignty, or privileges Texas may have enjoyed as an inedependent republic in excess of those to which the American States were entitled, disappeared when the Republic of Texas became the State of Texas. For it then stood on an equality, no more and no less, with the other States. But were not the added rights and advantages which Texas obtained from admission to the Union worth more than those which she lost? Is it proper or possible to try to eat your cake and have it too? In obtaining all the privileges of union, is it proper for Texas also to be granted the special privileges of separation?

When a group passes into a broader relationship of growth which brings with it greater benefits the principles of maturity imply that something must be sacrificed in the process. There are no unalloyed joys and every gain carries with it some loss. It would be well to recognize this fact.

STATE OWNERSHIP CLAIMS BEYOND 3 MILES IN MARGINAL SEA ALSO DENIED

The Court, therefore, found it easy to dismiss the further claims of the States to submerged lands beyond the 3-mile limit. Thus, in 1938, the Louisiana Legislature had declared by statute that its State boundary extends 27 nautical miles beyond the coast, or 31½ miles beyond the shore.

There is quite a difference between the claims of prominent Louisianians as to the boundary their State will get under the terms of this resolution. The Senator from Florida [Mr. HOLLAND] says the State of Louisiana will get only 3 nautical miles. The Governor of Louisiana, in words which reflected upon the neighboring State of Texas—in a manner which I would never think of using—claims that the boundary of Louisiana extends out 3 leagues or 9 nautical miles. An eminent Louisianian, who has represented Louisiana in various appearances, claims that the boundaries of Louisiana extend out 27 nautical miles into the marginal sea.

Therefore, there is a zone of uncertainty, so far as Louisiana is concerned, under Senate Joint Resolution 13.

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HILL. Is it not true that Louisiana and the other States which have come into the Union since its formation received their right, title, and interest

to the tidelands on the basis of the equal-footing clause of the Constitution?

Mr. DOUGLAS. I believe every act of admission of a State, every act which applied to the southern States which seceded from the Union during the Civil War and whose Representatives were granted readmission to Congress, contains the equal-footing clause; and the provision generally is that the State is admitted on an equal footing in all respects whatsoever.

Mr. HILL. Equal footing deals with political rights and sovereignty.

Mr. DOUGLAS. That is correct.

Mr. HILL. In other words, it is all right for the equal-footing provision to work for the benefit of the States if it means a gain for them, for instance, to get the submerged lands, but it is not all right for that provision to work if it works conversely and causes a State to lose something.

Mr. DOUGLAS. The Senator means that it is not all right in those circumstances in the views of some of the State Representatives?

Mr. HILL. That is correct.

Mr. DOUGLAS. It makes a great deal of difference whose ox is gored.

Mr. HILL. I wonder if that is why the Governor of Louisiana spoke in his testimony about some people bellowing.

Mr. DOUGLAS. That may be.

EQUAL-FOOTING CLAUSE GAVE STATES OWNERSHIP IN TIDELANDS AND LANDS UNDER INLAND WATERS EQUAL TO RIGHTS OF ORIGINAL STATES

The Senator from Alabama has touched on a point which is so important that I should like to read from the decision of the United States Supreme Court in the Texas case on this very subject of equal footing. I shall start reading at page 716 of the Court's opinion in the case of *United States* v. *Texas* (339 U. S.) The court said:

> The equal-footing clause has long been held to refer to political rights and to sovereignty. It does not, of course, include economic stature or standing.

It certainly does not, Mr. President. For instance, the State of Nevada, with 150,000 population, has 2 Senators; the State of New York, with its great population, and my own State of Illinois, have each 2 Senators.

I continue reading from the Court's decision:

> There has never been equality among the States in that sense. Some States when they entered the Union had within their boundaries tracts of land belonging to the Federal Government; others were sovereigns of their soil. Some had special agreements with the Federal Government governing property within their borders. See *Stearns* v. *Minnesota*, supra, pages 243–245. Area, location, geology, and latitude have created great diversity in the economic aspects of the several States. The requirement of equal footing was designed not to wipe out those diversities but to create parity as respects political standing and sovereignty.
>
> Yet, the "equal footing" clause has long been held to have a direct effect on certain property rights. Thus the question early arose in controversies between the Federal Government and the States as to the ownership of the shores of navigable waters and the soils under them. It was consistently held that to deny to the States, admitted subsequent to the formation of the Union, ownership of this property would deny them admission on an equal footing with the original States, since the original States did not grant these properties to the United States but reserved them to themselves.

I wish to comment on that statement. The original States, according to the theory outlined in Jefferson's memorandum to the British minister, were acknowledged to have ownership of and title to submerged lands beneath the inland waters. The original States had those rights. As States were later admitted into the Union, States such as Alabama, it was held that those States also were entitled to make such claims since they were admitted on an equal footing in all respects whatsoever with the original States.

This is an extraordinary point. California, Texas, Florida, and Louisiana, under the equal-footing clause, were by the settled law given ownership of and title to the tidelands and submerged lands beneath inland navigable waters. They did not then complain about the equal-footing clause. Quite the contrary. The equal-footing clause benefited them.

COURT WAS REASONABLE IN HOLDING EQUAL-FOOTING CLAUSE ALSO WORKS CONVERSELY

Now, when we come to the question of external waters, we find Texas and Florida claiming that the equal-footing clause does not apply in that case. If it applied to internal waters, it would certainly apply to external waters. Why did these States accept the equal-footing provision so far as internal waters were concerned, and now want to repudiate it so far as external waters are concerned. It is a case of accepting this provision when it works in their favor, and rejecting the provision when it works against them.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Alabama.

Mr. HILL. Is it not true that every State which came into the Federal Union, even including the Original Thirteen States, gained certain benefits, and also lost some benefits? The States surrendered their rights in the matter of interstate commerce; they surrendered their rights with reference to the levying of import duties; they surrendered their rights with respect to certain phases of national defense. They surrendered many things, but they also gained many great benefits. Is not that correct?

Mr. DOUGLAS. The Senator is quite correct.

I should like to read from an opinion by Mr. Justice Stone in the case of *United States* v. *Oregon* (295 U. S. 1). The quotation I shall read is from page 14. It is not necessary to restate, either to the Senate or for the purpose of the RECORD, who Mr. Justice Stone was. He was not a member of the Congress of Industrial Organizations; he was not a member of the Americans for Democratic Action; he was not a contributor to the New Republic. Therefore, he was not subject to being a whipping boy for the usual attacks made by some persons against others who uphold the national position in hearings or on the floor of the Senate.

No; Mr. Justice Stone was an eminent lawyer, a member of one of the leading law firms of New York City, Dean of Columbia University Law School, bosom friend and confident of Calvin Coolidge. He was appointed to the Cabinet of Calvin Coolidge as Attorney General and was later made a Justice of the Supreme Court by President Coolidge. Later he became Chief Justice of the United States. Justice Stone was one of the most eminent, conservative, solid, legal scholars this country has produced. I do not believe anyone can impeach the testimony or the opinion of Mr. Justice Stone.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HILL. Would the Senator from Illinois permit me to join with him in the tribute he has paid to the late Chief Justice Harlan F. Stone? I had the great privilege of attending Columbia Law School and of sitting at the feet of Justice Stone when he was dean of the Law School. Everything the Senator from Illinois has said about the great Chief Justice is true. He was a sound man, a great student of the history of the law, and was deep-rooted in American traditions and American principles.

Mr. DOUGLAS. I am very glad the Senator from Alabama has spoken as he has. At the time when Chief Justice Stone was dean of Columbia Law School, he held forth on the first floor of Kent Hall. I was a graduate student at Columbia and studied on the third floor of Kent Hall. At times I would neglect my own work and attend the lectures which Dean Stone was then giving, and I learned to admire and love him.

It was a misfortune of birth that Justice Stone happened to be a Republican. In a happier place and in happier times, he would have followed the logic of his nature and the logic of life and would have been a Democrat. Despite that fact, though not because of it, he was a most estimable gentleman and was an ornament not only to his party, but also to his Nation.

I shall now return to the opinion of Mr. Justice Stone in the Oregon case. He said:

> Dominion over navigable waters and property in the soil under them—

Notice that—

> are so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged in constructing either grants by the sovereign of the lands to be held in private ownership or transfer of sovereignty itself. See *Massachusetts* v. *New York* (271 U. S. 65, 89). For that reason, upon the admission of a State to the Union, the title of the United States to lands underlying navigable waters within the States passes to it, as incident to the transfer to the State of local sovereignty, and is subject only to the paramount power of the United States to control such waters for purposes of navigation in interstate and foreign commerce.

IF THE GAINS OF "EQUAL FOOTING" ARE ACCEPTED BY THE STATES, THE RESPONSIBILITIES SHOULD NOT BE DODGED

In other words, our dear friends from Louisiana—and I now see my good friend, the junior Senator from Louisiana [Mr. LONG] coming to the floor—our good

friends from Texas, and our good friends from Florida do not realize the great gifts which the National Government gave to them by admitting their States to the Union on an equal footing in all respects whatsoever with the original States.

The great State of Louisiana received title to the tidelands and to submerged lands beneath the Mississippi River, which otherwise it never could have claimed. Likewise, it received title to submerged lands under the lakes, which otherwise it never could have claimed.

The State of Florida received title to submerged lands beneath the countless lakes of Florida, having so many unpronounceable names, which the Senator from Florida is so fond of rehearsing on the floor of the Senate.

Similarly, the great State of Texas received title to the submerged lands under its share of the Rio Grande and of the other rivers and lakes.

Vast property assets were bestowed upon those States by reason of their coming into the Union. They gladly accepted equal footing so far as the submerged land under their inland waters was concerned; they gladly accepted those lands turned over to them by the Federal Government. But does that satisfy them? No; they want "all this and heaven too." [Laughter.]

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I shall be glad to yield.

Mr. HILL. Is not what the Senator from Illinois has said particularly true with reference to the great State of Louisiana, which is so ably represented in the Senate, when we consider that the United States bought and paid for Louisiana? One of the great acts in the history of our Nation was the consummation of the Louisiana Purchase by Mr. Jefferson.

Mr. DOUGLAS. Certainly. We paid $15,000,000, and it was a good bargain; but the original States paid out the money.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. LONG. The Senator realizes, does he not, that the Louisiana Purchase included other property besides the present State of Louisiana?

Mr. DOUGLAS. The Senator is correct.

Mr. LONG. If there is some ignominy in the fact that the Federal Government paid the money for the Louisiana territory, then 12 other States must share it.

Mr. DOUGLAS. There is no ignominy. I merely say that that was a small price to pay for the privilege of having the distinguished junior Senator from Louisiana as a Member of this body.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. HILL. Is it not true that the Senator from Illinois and the Senator from Alabama rejoice today that Mr. Jefferson had the wisdom and the foresight to purchase Louisiana and to bring that great territory into the United States?

Mr. DOUGLAS. It was one of the great achievements, not only of President Jefferson, but of the Democratic Party.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. That is the same Jefferson who laid down the rule about the boundary being 3 miles from shore, which also gave the Federal Government marginal seas.

Mr. DOUGLAS. That is correct. It is the same Jefferson who, by laying down the 3-mile rule, forced Great Britain to recede within the 3-mile limit. It is the same Jefferson who established the 3-mile rule as supreme over four-fifths of the commerce of the world.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LEHMAN. Is it not the same Jefferson who was throughout his life a great champion of free general education for all the people of the United States?

Mr. DOUGLAS. That is correct.

Mr. LEHMAN. He gave to that work the greatest devotion possible. We here today are trying to bring about the adoption of the Hill amendment, which would accomplish exactly what that great President, Thomas Jefferson, sought to do.

Mr. DOUGLAS. I am glad the Senator from New York has made that point. Jefferson was a firm believer in democracy, in the rule of the people; but he wanted the rule of the people to be based upon an informed and educated opinion.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I shall be glad to yield in a moment. I wish to demonstrate that, although I am a northerner, I worship at the shrine of Jefferson. Then I shall be glad to yield to the Senator from Alabama.

This was the same Jefferson who realized that in order to provide education, we must have a system of common schools, secondary schools, and universities. In Virginia he was successful in establishing a university. He was not so successful in establishing a system of common and secondary schools. He did, however, create the great University of Virginia, and he laid out the architecture and the grounds for the university. Everyone knows that the things of which he was most proud were not that he had been President of the United States, Secretary of State, or Minister to France.

If one goes to Monticello, on a gently sloping hill he will find a boulder which describes what Jefferson considered to be the things of which he was really proud. He was proudest of the fact that he was author of the Declaration of Independence and the Virginia Statute of Freedom, as well as the founder of the University of Virginia. There is no mention on that boulder of his having been President; no mention of the earthly honors which came to him. There is mention only of the fact that he laid down the eternal principle that all men are created free and equal, and that they are endowed by their Creator with certain unalienable rights, and that among those rights are life, liberty, and the pursuit of happiness. He was proud of the fact that he broke the hold of the established church and admitted the Protestant dissenting churches to equality before the law. He believed also in freedom for those who held no formal religious faith whatsoever. He was proud of the fact that he founded the University of Virginia. The great Senator from Alabama [Mr. HILL] is proceeding in the Jeffersonian tradition when he seeks to use the natural resources of the Nation to develop the human resources of our country.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HILL. I thank the Senator for the compliment.

Was not this the same Jefferson who declared that a nation which expects to be ignorant and free in a state of civilization expects that which never was and never will be?

Mr. DOUGLAS. I think the Senator from Alabama has made one of the many apposite quotations from Jefferson.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LEHMAN. Is not this same Democrat—spelled with either a large or small "D"—who mapped out a system of general education? Are we not today seeking to make it possible for every child in this country, regardless of the State from which he or she comes, to obtain an improved education? Are we not seeking by the Hill amendment to give the same advantages, with the royalties which will come from offshore oil, to the child from Mississippi, Louisiana, Arizona, or New Mexico, as we claim for children in the States of New York, Illinois, California, and other States?

Mr. DOUGLAS. The Senator is absolutely correct.

Mr. LEHMAN. We who are opposing this quitclaim measure and supporting the Anderson bill and the Hill amendment seek nothing for ourselves that we are not willing to share with every other person in this country, in the belief that every man, woman, and child in the United States should be treated alike, so far as it is humanly possible for the Congress to provide equality.

Mr. DOUGLAS. The Senator from New York is completely correct.

Mr. President, before we launched into the discussion of the political philosophy of Thomas Jefferson——

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. LONG. I would not like to have the RECORD reflect the view that Jefferson, from a legal point of view, ever for a moment, shared the Senator's view. If I discuss this subject, as I shall perhaps do later, I probably will introduce some evidence to indicate that Thomas Jefferson always believed that the States had complete sovereignty and that the only powers the Federal Government had were those which were given to the Federal Government by the States; also that only those powers which could be found to have been given by the States belonged to the Federal Government. In that respect I believe it can be clearly indicated that Thomas Jefferson would

have felt that all the submerged lands belonged to the States.

Mr. DOUGLAS. Of course, it is conjectural as to what Jefferson would have done in the case immediately before us. It is true that in 1799 Jefferson and Madison favored a very strict construction of the Constitution in order to knock out the alien and sedition laws which a Federalist Congress had passed and a Federalist President had signed. But some years later, when Jefferson became President of the United States, he bought the Louisiana Territory, although there were no explicit powers in the Constitution which gave him the authority so to do. If it had not been for this broad interpretation of the Constitution which Jefferson gave in the case of the Louisiana Purchase, the Senator from Louisiana would not be here, and God knows what would have happened to the Mississippi River and to the huge territory west of the Mississippi.

Before the Senator from Louisiana entered the Chamber, I had pointed out that he had claimed a boundary for the State of Louisiana extending out from shore for 3 miles; that the Governor of Louisiana had claimed 3 leagues; and that Mr. Perez had claimed 9 leagues, or 27 nautical miles. I said there was some doubt as to what the claims of Louisiana actually were, depending, I suppose, upon the shifting political fortunes of various factions inside the State of Louisiana.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. LONG. Although I do not agree with Mr. Perez in many matters, particularly political, I believe the Senator does Mr. Perez an injustice when he says that Mr. Perez claims 27 miles. I believe he claims everything out to the edge of the Continental Shelf.

Mr. DOUGLAS. That makes it all the more striking. In other words, Louisiana was not to be outdone by Texas—or perhaps, shall we say, Texas was not to be outdone by Louisiana, because in 1938 Louisiana had claimed 9 leagues, or 27 nautical miles. In 1941 Texas matched the claim of Louisiana to a total of 9 leagues, or 27 nautical miles off the coast; and in 1947 Texas had not only called Louisiana, but Texas went Louisiana many miles better, because it claimed all the submerged lands out to the edge of the Continental Shelf. Now the Senator from Louisiana says that Mr. Perez also wants to go out to the edge of the Continental Shelf.

Mr. LONG. Of course, the Senator knows that the Attorney General of the State of Louisiana did not testify that he considered the act of Louisiana in extending its boundary 27 miles as controlling so far as the United States Government was concerned. That act was unilateral. The pending joint resolution does not recognize that act; nor does the joint resolution recognize any act passed by a State legislature unless the Congress sees fit to recognize and confirm such act.

Mr. DOUGLAS. The Senator from Illinois proposes to deal with that argument in a few minutes, when he comes to a detailed analysis of Senate Joint Resolution 13.

THE SUPREME COURT REJECTED STATE OWNERSHIP CLAIMS IN MARGINAL SEA WITHIN AND BEYOND 3-MILE LIMIT

These special claims of Louisiana and Texas were well disposed of by the Supreme Court in the Louisiana case, when it said:

> If * * * the 3-mile belt is in the domain of the Nation rather than that of the separate States, it follows a fortiori that the ocean beyond that limit also is. The ocean seaward of the marginal belt is perhaps even more directly related to the national defense, the conduct of foreign affairs, and world commerce than is the marginal sea. Certainly it is not less so. So far as the issues presented here are concerned, Louisiana's enlargement of her boundary emphasizes the strength of the claim of the United States to this part of the ocean and the resources of the soil under that area, including oil.

This ruling was also reaffirmed in the Texas case, decided on the same day.

It should always be remembered, however, that the President by Executive order on September 28, 1945, asserted Federal jurisdiction and control in the submerged lands of the entire Continental Shelf.

The law, therefore, would seem to be clear. The Federal Government has prior and paramount rights in these fabulously rich offshore deposits of oil. Why then should we give them away?

V. A MORE DETAILED EXAMINATION OF THE HOLLAND BILL (S. J. RES. 13) IN ITS PRESENT FORM

The legal effect of the committee bill, Senate Joint Resolution 13, if passed, would appear to be as follows:

STATE OWNERSHIP IN TIDELANDS AND LANDS UNDER INLAND WATERS CONFIRMED

First. It confirms in each of the States the ownership and control of (a) submerged lands under navigable inland waters, including rivers, lakes, bays, and harbors; (b) true tidelands; and (c) filled-in lands.

This is an ownership that courts have consistently ruled is already held by the States. This is an ownership the Federal Government does not claim. This is an ownership the Anderson bills (S. 107 or S. 1252) would equally confirm in the respective States.

I invite Senators to look at the chart covering inland waters, the Great Lakes, and that section of the offshore waters included under tidelands, harbors, bays, and the like. None of these areas is really in dispute. State ownership is conceded.

GRANTS OF OWNERSHIP IN 3-MILE BELT

Second. If constitutional, the Holland joint resolution grants to coastal States by section 2 (a) (2), 2 (b), 2 (e), 3 (a), 3 (b), and section 4, title and ownership in the submerged lands seaward from the low-water mark at least out to a line 3 geographical—that is, nautical—miles distant from its coastline. This is explicitly confirmed by the joint resolution for the Thirteen Original States. Other States which have asserted their claim by statute or constitutional provision or otherwise for such boundaries receive ownership and title in the submerged lands out to the 3-geographical-mile limit.

I should like to emphasize the difference between "boundary" and "ownership and title," upon which the Senator from New Mexico touched yesterday. Let us take the land boundaries of a State. That expression does not give the State ownership in and title to the onshore lands within its boundaries. Those may be and are distributed according to the rules of private property. So we should never think that a State's "ownership and title" is synonymous with its "boundaries." But in the case of the offshore lands, what the joint resolution is doing is to give the States ownership in and title to the submerged lands out to the boundaries, wherever they may be.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield to the Senator from New Mexico.

Mr. ANDERSON. In his remarks on that point the Senator from Illinois is dealing with what probably has been the cause of a great deal of confusion. The Senator from Texas was extremely disturbed because his State had not been allowed to put in some evidence before the Supreme Court. That evidence dealt with boundaries. The Supreme Court of the United States was interested in titles. That is what the litigation was all about, and that is what is important in the situation in which we now find ourselves.

I believe we need to keep in mind steadily the fact that what we are concerned with here is the titles, and the Supreme Court has said over and over again that once low-water mark is passed, the international domain is reached, and the State cannot possibly have a claim to title in that area.

Mr. DOUGLAS. The Senator from New Mexico has made an extremely apposite remark, that the misunderstanding on this point may be a large factor in the existing confusion. It has never been held that a State necessarily had ownership and title out to its boundaries. That is not so on land. So far as submerged lands on inland waters are concerned, the title has been conferred upon these States by the Federal Government under the equal-footing clause. But now what is proposed is to give ownership and title to the coastal States out to their seaward boundaries, wherever they may be. This is a revolutionary change in the concept of the law.

Mr. President, I have said that other States which have asserted their claim by statute or constitutional provision or otherwise for such boundaries receive ownership and title under the joint resolution to the submerged lands out to the 3-geographical-mile limit. This would most certainly apply also to Texas, Louisiana, and Florida, which, as we have pointed out, have claimed much farther offshore boundaries.

States which have not yet claimed up to 3 geographical miles can do so in the future and thereby automatically obtain the ownership and title in the submerged lands out to 3 geographical miles from the coastline. Thus California, which fixed its boundaries at 3 English miles or 3 land miles from its shores, may now go out by later State law nearly another half mile or, to be precise, by 0.462 of a mile. States which have not yet staked out a claim in the sea may now do so within these limits.

In practice, this provision gives California virtually everything it has ever asked and, indeed, a little more. For the Continental Shelf off the California coast is very narrow, seldom exceeding 4 miles, and California previously only claimed ownership of 3 land miles. Now it receives that plus an extra slice of nearly another half mile.

All this is, of course, a complete reversal of the basic feature of the three decisions of the Supreme Court. It transfers enormously valuable rights from the 159 million people of the country as a whole to the people of 3 and possibly 4 States.

But even more important is the question of what the bill would do to the submerged lands in the Gulf of Mexico out beyond the 3-mile limit. For it is in the gulf that the oil, gas, and sulfur deposits under the Continental Shelf are more important beyond than within the 3-mile limit. To a consideration of this very important topic I now turn.

GRANTS OF 10½ MILES TO TEXAS AND LOUISIANA

Third. The pending joint resolution seems clearly intended by its chief proponents to transfer at once ownership and control of the submerged lands beyond the 3-mile limit out to 3 leagues or 10½ miles from shore, in the cases of, first, Texas, on the ground that its statute of 1836 gave it such a boundary at the time such State became a member of the Union; and, second, Florida, on its west coast on the ground that its constitution of 1868 gave it such a boundary and that this was heretofore approved by Congress in the act of June 25, 1868—readmitting Florida to representation in Congress.

The Senator from Oregon, to be sure, in explaining the bill to the Senate did not define its effects so exactly. But the advocates of specific State claims have frankly spelled out their interpretation of the bill as transferring to these two States the subsurface lands and resources out 10½ miles offshore. The bill would have such an effect but only provided this transfer of ownership is held by the courts to prevail over the added legal objection that this is an attempted vesting of ownership and control beyond the territorial limits—3 miles—of the Nation itself and in the international domain and cannot therefore be valid either as the unilateral action of this country or as an agreement between the Federal Government and governments of States which are part of the Union.

There are also further legal questions that must be answered before the final effect of Senate Joint Resolution 13 in the matter of the 3 leagues can be determined. For instance, did the act of December 19, 1836, of the Congress of Texas, in legal effect give Texas a boundary 3 leagues from land, or was it purely a unilateral action of that Republic, not recognized by any treaty or agreement with other nations? And again, did the act of June 25, 1868, of the Congress of the United States which only acknowledged that Florida—and five other Southern States—"have framed constitutions of State government which are Republican," in legal effect "approve"—within the meaning of the joint resolution—the specific boundary claims of Florida in its 1868 constitution? And finally, on the question of the validity of a Federal grant or release of ownership beyond its own territory, what is the legal effect of the joint resolution in view of the careful limitations, making no mention of territorial claims beyond 3 miles, in the terms of President Truman's proclamation of 1945, namely, "resources of the subsoil and sea bed of the Continenal Shelf as appertaining to the United States, subject to its jurisdiction and control."

POSSIBLE GRANTS OF INDETERMINATE AMOUNTS TO OTHER STATES BEYOND 3-MILE LIMIT

Fourth. This measure may further be construed to convey title and ownership in submerged lands beyond the 3-mile limit out to a presently undetermined limit in the cases of any other States, not now known, which can dig up some historical support for a further boundary claim and find some basis of congressional action in the past that might be claimed to have "heretofore approved" such a State boundary.

I acknowledge, of course, that some sponsors have denied any intention to interpret the present effect of the resolution as going beyond 3 miles in the case of any coastal States except Texas and Florida, and 10½ miles in the case of those two States, and I am sure that these statements from the floor are made in perfect good faith. But the possibility that such claims may be advanced by the States themselves certainly is not excluded. The last sentence of section 4 of the Holland joint resolution expressly declares that nothing therein shall question or prejudice such State boundary claims beyond 3 miles "if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union."

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield at this point?

Mr. DOUGLAS. I am glad to yield.

Mr. ANDERSON. Does not the Senator from Illinois think it somewhat significant that when in the committee an amendment to that very section was offered by me, so as to limit the area a State could have to 3 miles into the Atlantic Ocean and 3 miles into the Pacific Ocean and 10½ miles into the Gulf of Mexico, the amendment was rejected by the committee?

Mr. DOUGLAS. I heard the Senator from New Mexico mention that fact yesterday afternoon, which was the first time I had known it. It came as a surprise to me. I noticed that it was not denied by the other members of the committee who then were upon the floor. I think it a most significant fact. If it was believed that the pending measure was intended to close the door, beyond any possibility of doubt, against claims beyond the 3-mile limit, or the 3-league limit in the case of those two States, what objection could there have been to so stating in the joint resolution?

Mr. ANDERSON. In the committee I tried to point out that the Government of the United States has had a policy regarding the 3-mile line and the 3-mile marginal sea, and I thought it very important to preserve that in the case of the Atlantic Ocean and the Pacific Ocean. I then tried to point out that in the case of the Gulf of Mexico, because of the islands lying in off the coast—for instance, the Florida keys and the islands of the Caribbean, such as Cuba—that region might be regarded as a sort of enclosed area, with the result that the coast along the Gulf of Mexico might properly be considered as being in a somewhat different category, so far as the Nation was concerned, as compared to the Atlantic coast and the Pacific coast. However, even if we grant that a limit of 10½ miles might be all right in the case of the coast along the Gulf of Mexico, certainly we should limit ourselves to 3 miles in the case of the Atlantic coast and the Pacific coast.

At this time we are contending for that very limitation in the case of other countries; yet we were not willing to limit ourselves to it in our own situation.

I think the Congress has a chance to strengthen the hands of our diplomatic representatives who have been contending for the 3-mile limit, by writing into this measure a definite provision that the boundary shall not extend for more than 3 miles, in the case of the Atlantic coast and Pacific coast. However, the committee felt otherwise.

Mr. DOUGLAS. I am afraid that the pending joint resolution puts us in the position of buying a pig in a poke; in other words, under this measure we do not know where the boundaries of the coastal States are, although title to those submerged lands out to such boundaries is claimed to be vested in the States.

I wish to point out that the chairman of the subcommittee, the senior Senator from Oregon [Mr. CORDON], frankly stated, in reply to questions which I addressed to him, that it is not known, without judicial determination, what the various boundaries may be. The record reveals, as I have said, that Texas has hitherto made further claims out to the edge of the Continental Shelf; California, out to a line outside of adjacent islands; and Louisiana, to a boundary 27 miles from shore.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me at this point?

Mr. DOUGLAS. I am glad to yield.

Mr. LONG. Can the Senator from Illinois say that the record reveals that those claims were made prior to the time the States entered the Union?

Mr. DOUGLAS. I should like to point out to the Senator from Louisiana that they do not have to have been made prior to the time when the State became a member of the Union, because the last clause of section 4, on page 17 of Senate Joint Resolution 13, beginning in line 17 and ending in line 18, reads as follows: "or if it has been heretofore or is hereafter approved by Congress."

Mr. LONG. With the exception of the States of Florida and Louisiana, as mentioned by the Senator from Illinois, does the Senator have in mind any other States or any other cases where Congress has approved any extension of the boundary of a State?

Mr. DOUGLAS. If the Senator from Louisiana will listen for a moment, I shall develop this point.

The record does not reveal what other boundary claims beyond 3 miles may have been made by nonoil coastal States.

KNOWN COLONIAL BOUNDARY CLAIMS EXTENDED FAR OFFSHORE

I should like to call the attention of the Members of this body to the minority views signed by the very able senior Senator from Montana [Mr. MURRAY], the junior Senator from New Mexico [Mr. ANDERSON], and the junior Senator from Washington [Mr. JACKSON]. As is shown by both the discussion on the floor of the Senate and the minority views, on page 76, the boundary claims of many of the Colonies were extremely ambitious, and in some cases went very far out. Virginia, in 1611, claimed boundaries 300 leagues out; New Hampshire, in 1635, 100 miles; Louisiana, in 1812, 9 miles; and the Carolinas, in 1665, the broad-spreading regality of the sea. Cannot it be argued that since those laws so provided "prior to the time such State became a member of the Union"—that is a quotation from the Holland joint resolution—therefore these boundaries may be recognized as a result of enactment of the Holland joint resolution? Indeed, the chairman of the subcommittee, when questioned on this point last week on the floor of the Senate, said he did not know what effect the colonial claims would have. Yet they are there, and I am sure that the very able attorneys general of the various States will produce them at an opportune time, and will say that since the Colonies claimed these boundaries by constitution or laws either prior to or at the time when the Colonies entered the Union, as States, possibly, therefore, since the joint resolution gives ownership and title to the submerged lands out to the boundaries of the States, virtually all the Continental Shelf will be claimed and will be granted.

It may be contended that that argument is fantastic, but it is no more fantastic than many of the other arguments which have been advanced on the floor of the Senate by the proponents of the pending joint resolution.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield to me at this point?

Mr. DOUGLAS. I am glad to yield.

Mr. ANDERSON. I had intended to say, when I got into the discussion of this measure, that I think all we are doing by it is buying ourselves a long series of law suits. Every State along the coast can, if it wishes to do so, make a claim and have that claim adjudicated; and if the Supreme Court does not decide the case in the way the State thinks the claim should be decided, the State no doubt will have its representatives in this body request the enactment of law granting to the State the boundaries which it has claimed since its colonial days.

Mr. DOUGLAS. Yes; and in that case the joint resolution will be a treasure trove to the States. In fact, all the booty which Captain Kidd ever seized in the course of his depredations on the high seas would not equal the treasure trove the States will thus obtain as a result of the enactment of the pending joint resolution.

Mr. President, these prior claims may also be recognized if it can be shown that they have heretofore been approved by Congress.

Let me say that I have not had time to search all the statutes of the United States, but I am willing to assume that at a future time some lawyer will be able to claim that, by means of some obscure law, there has been approval of these further boundaries.

Last night I reread Henry V, and I traced again the extraordinary argument by which the two English divines sought to convince Henry V that he was the lawful King of France. I admit that I fell asleep three times while trying to trace the connection, which is a tenuous one; but it pleased those ecclesiastical lawyers, and it convinced Henry V, and resulted in the war between England and France and the Battle of Agincourt.

So I can well believe that at a future time lawyers will whisper into the ears of attorneys general their tenuous claims based upon the discovery of obscure statutes, colonial claims, and so forth, and will say, "Here is a chance to take more from the Federal Government."

I hope my good friend from Florida will not take offense when I say that, if congressional approval is claimed for an outer boundary on such a flimsy base as the act of June 25, 1868, in the case of Florida, must we not search all coastal States' and congressional records with great care for similar actions to learn the actual full effects of the grants in this bill? At least, we can be confident some industrious attorneys general for several States will do just that.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. Was the Senator satisfied with the long discussion of a day or two ago, to the effect that the Florida constitution of 1868 could fix the west boundary of Florida, but could not fix the east boundary of Florida?

Mr. DOUGLAS. I listened to the statement of the Senator from Florida with a great deal of interest, since a portion of the east boundary, as the Senator from New Mexico says, goes out to the gulf.

Mr. ANDERSON. It goes out to the Gulf Stream.

Mr. DOUGLAS. To the Gulf Stream. The reply the Senator from Florida made was that the State of Florida has foreborne pressing its case, apparently because, since the Gulf Stream varied, it was a fluctuating boundary which could not be definitely fixed and tied down.

Mr. ANDERSON. The joint resolution contains language about streams that meander. One could conclude that because the Gulf Stream moves, the State has a boundary that meanders; because, quite obviously, the east boundary of Florida is fixed by the same constitution of 1868. I am unable to see how anyone can contend that the west boundary is fixed by it, and the east boundary is limited to 3 miles, when there never was any disputation anywere about 3 miles being the boundary. Florida in its constitution of 1868 says the east boundary shall go to the Gulf Stream, and the west boundary shall go 3 leagues. Why is it that the provision regarding 3 leagues is effective, but the Gulf Stream limitation is not? I say we are buying ourselves the greatest parcel of lawsuits this Nation has ever seen.

Mr. DOUGLAS. I quite agree; and I fear that some future Governor of Florida, without the self-restraint which our present distinguished colleague [Mr. HOLLAND] exhibited both as Governor of his State and as Senator, will appear, who will make these claims.

I should like, however, to touch upon the term "meander," which the Senator from New Mexico mentioned, and about the meaning of which I queried the Senator from Oregon [Mr. CORDON]. I first encountered the word "meander" when, years ago, I read Homer's Iliad, and I remembered that the River Meander was the river which wound in a tortuous fashion about the walls of Troy. So I inquired from the Senator from Oregon whether his definition of "meandering rivers" was in the Homeric sense of a winding stream. He replied that it was not, that it meant a stream, the borders of which had been delineated. So it is possible that Florida may have something of a case on the ground that the borders of the Gulf Stream have not been meandered, although they meander.

Mr. ANDERSON. Do they not shift a little bit from season to season?

Mr. DOUGLAS. Yes, they do; and from year to year.

Mr. ANDERSON. They would probably be at one place in one year, and at another place in another year.

Mr. DOUGLAS. That is correct; and I suppose, when the Gulf Stream was meandering out into the ocean, the Governor in Florida would claim more jurisdiction; but that, when it meandered toward shore, there would not be the same willingness to accept the result of the subsequent meandering.

Mr. ANDERSON. Oh, no. There is a much more practical application. If one were exploring for oil, and the Gulf Stream meandered farther from shore, a lease could be given for the submerged land farther out.

Mr. DOUGLAS. Yes.

Mr. ANDERSON. Then, if it meandered back toward shore, it could be claimed, as it is claimed in this joint resolution, that there were innocent purchasers under lease, who therefore must be protected.

Mr. DOUGLAS. That is correct. I think the Gulf Stream on the coast of Florida, which is mentioned in their constitution of 1868 as part of the eastern boundary, is too shifting a line. That boundary should be nailed down and be more formal than a mere brief statement by our eminent colleague.

Mr. ANDERSON. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. Perhaps that gives some point to what the Attorney General of the United States suggested to the committee. He suggested that the committee attempt to draw a line, whereby

it would be possible to establish boundaries, and whereby we might know whether the boundaries were out 3 miles, 4 miles, 10½ miles, or 27 miles. That suggestion by the Attorney General was promptly thrown on the junkheap; but I think it was a very practical suggestion, and that we should have tried to follow out what he suggested. I think, had we drawn a boundary 3 miles out, along both the east and the west coasts of this country, and perhaps 10½ miles out along the gulf coast, we would have been in far better position in future years than we shall be, under the open invitation to endless lawsuits which the pending measure contains.

Mr. DOUGLAS. The Senator from Illinois agrees with the Senator from New Mexico. He is going to make an argument on that point. But I think in justice to the Senator from Florida it should also be said that he pointed out that the Florida courts had rejected the Gulf Stream boundary and adopted the traditional 3-mile limit, and that therefore it was a restriction not merely self-imposed by the State, but also one imposed by the courts. That should be said in justice to the Senator from Florida.

Mr. ANDERSON. I agree with that, and I would certainly say that the distinguished Senator from Florida has been as frank and straightforward about this question as a man could be. He has repeatedly stated that he believes the eastern boundary to be 3 miles; and there is no doubt in my mind that he would sooner cut off his right arm than come back to Congress at a later date to contend for anything more. But, unfortunately, he will not always sit in this body. Sometime later, another Senator from Florida will be sitting here, and he may contend that Florida did not limit, and never has limited, itself to 3 miles. That is why I thought it would be useful if we tried to explore the question now as clearly as it could be explored.

Mr. DOUGLAS. I thank the Senator from New Mexico.

SENATE JOINT RESOLUTION 13 LEAVES DOOR OPEN TO FUTURE GRANTS OF OWNERSHIP OF ENTIRE CONTINENTAL SHELF TO STATES

Fifth. Mr. President, thus far we have talked about the attempted present transfers. But Senate Joint Resolution 13 may also be the major step in the transfer to coastal States, effective in future, of ownership and control of submerged lands beyond the 3-mile limit and out to varying further limits, including the entire Continental Shelf. This possibility results from the phrase in section 2 (a) (2); 2 (b); and section 4, "as hereafter approved by Congress" in the definition of the boundaries to which States are by this measure given submerged lands.

I therefore wish to point out that a simple, further act of Congress "approving" existing State boundary claims, or some other action that might be so construed, would thus give Texas the entire Continental Shelf off its shores, Louisiana the 27 miles from its shore, and California the underwater lands out to the line outside the adjacent islands along its coast—unless those States should have acted in the meantime to push the line even farther out than their presently existing claims.

The possibility of this gigantic giveaway is not foreclosed by any section of the bill. It is, on the contrary, expressly permitted by sections 2 (a) (2), 2 (b), and 4. Section 9 may look like a saving clause for Federal rights outside State boundaries. But since section 2, to which it refers has such an elastic, potential effect on States' boundaries in the future, there may be very little of the oil-rich area left for the United States as a whole outside those expanding State limits.

Mr. ANDERSON. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield for a question.

Mr. ANDERSON. The Senator referred to section 9.

Mr. DOUGLAS. That is the so-called saving clause, which I do not think is fully effective.

Mr. ANDERSON. I only want to ask the Senator from Illinois if he does not think it might have been a little bit more effective if the committee had adopted certain language which I suggested. Section 9 begins by providing as follows:

> Nothing in this joint resolution shall be deemed to affect in any wise the rights of the United States—

And so forth. I suggested that we delete that language and start with the words:

> The rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf * * * are hereby confirmed.

If the Senator from Illinois has an opportunity to examine the minutes of the committee meetings which were held, he will find that instead of using that positive approach it was suggested that we use a negative approach, thus failing to save the rights of the United States.

I thought that bit of history would be of some significance.

Mr. DOUGLAS. That history has a great deal of significance. I suppose the action of the committee in executive session will be cited just as the Senator from New Mexico has stated it.

Mr. President, I pointed out that section 9, while it may look like a saving clause, is not so; and the statement of the Senator from New Mexico reinforces that statement.

No representatives of the States that would directly benefit have been heard giving assurance they will not press for such further congressional action, whether to vindicate so-called States rights, historical claims, or campaign promises.

Nothing in the resolution authorizes the Federal Government to proceed with the development of the outer shelf, and thus shut out further State claims, even as urged by the administration, and by the Senator from New Mexico.

Mr. ANDERSON. Mr. President, will the Senator from Illinois further yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. When the Secretary of the Interior appeared before the committee he testified in behalf of those who support the Holland joint resolution. He testified for the areas originally covered by the resolution and which are now very largely covered by it. He insisted that the United States owned the Continental Shelf. The Attorney General of the United States testified differently, to some degree, and modified the proposal for starting at the historic boundaries by saying it might be well to cover the historic boundaries in another fashion, but he did not question the right of the States to have the oil out to their historic boundaries. He did contend for Federal control and ownership beyond the historic boundaries.

Mr. DOUGLAS. But no specific power to that end is granted in the pending resolution.

Mr. ANDERSON. No.

Mr. DOUGLAS. That was deleted in committee?

Mr. ANDERSON. There was not an actual vote in the committee on that proposal. There was merely a suggestion by me that we start with the words "the rights." The majority favored it, but there was not an actual ballot vote.

OPEN DOOR IN SENATE JOINT RESOLUTION 13 WILL STIMULATE FUTURE STATE CLAIMS AND TEND TO DEFEAT FEDERAL DEVELOPMENT

Mr. DOUGLAS. Mr. President, those who have read the RECORD and those who were present on the floor last week will remember the assurances given by the Senator from Oregon [Mr. CORDON] that he will work for another bill to follow this joint resolution to authorize such Federal development.

I am confident he will make every effort to that end. If he succeeds in carrying out such an intention and getting such a bill to the floor and the Senate and House later approve it, obviously a great part of the oil, gas and mineral resources of the offshore area may be saved and developed for the whole United States. The value of the gift or transfer to the coastal States might thus be kept down to something less than $9 or $10 billion. Even $9 or $10 billion is a large sum of money in my book.

But his difficulties will be great. The legal complications of dealing with resources in an area we do not claim territorially for the Nation will be stressed—even as they are ignored in connection with the attempted grants of 10½ miles to Texas and Florida in this resolution. The aggressive coastal States with oil, seeing the door left wide open to future expansions of their offshore boundaries and wealth, will have every inducement to block Federal development of these resources if they can. And it is easy now to imagine the renewed cries of "nationalization," "bureaucracy," "centralized control," and the like that will be raised against it. I fear these States and their allies will oppose Federal development of the Continental Shelf, unless they are compelled to concede and authorize it in the same bill in which they get their windfall.

I am very sorry, therefore, that the proposal of the Senator from New Mexico was not adopted.

At its best, then, Senate Joint Resolution 13 represents "pie in the hand" for these 3 coastal States, and "pie in the sky" for the other 45. And standing by itself, with the hereafter clause beckoning to the coastal States to enlarge their boundaries—this is the "come-hither" feature of the bill—it permits a

simple future action of Congress to strip the Nation of its rights to the resources in the entire Continental Shelf, provided, as indicated before, the various legal and constitutional obstacles can be surmounted.

I may be too suspicious, but I predict that if this bill is passed, then some day, late in the afternoon when there are hardly any Senators on the floor, a "sleeper" will be added to some bill, in an obscure corner of the bill, which will in effect give away the Continental Shelf by simply approving these outlandish boundary claims.

ALTERNATIVE GRANT OF DEVELOPMENT POWER TO STATES IS EQUALLY EXTENSIVE

Sixth. Recognizing the possible constitutional blocks to any grants of title and ownership in offshore lands and resources to the coastal States, Senate Joint Resolution 13 in the alternative (section 3 (a)) assigns to the coastal States the "right and power to manage, administer, lease, develop, and use the said lands and natural resources." And section 11 expressly provides that if any clause is held invalid, it shall not affect the validity of the balance of the resolution.

The geographical limits of this assignment are the same as those I have examined in connection with the attempted transfer of ownership.

If the rights to "manage, administer," and so forth, are held separable from the rest and can run the gantlet of constitutional attacks that may also be made against them, the surrender of resources to the three coastal States may be fully as great as if the transfer of ownership and title had succeeded.

SENATE JOINT RESOLUTION 13 GRANTS THREE COASTAL STATES $50,000,000 OF FEDERAL CASH

Seventh. Beyond the grants of ownership and title and of rights to manage and administer, Senate Joint Resolution 13 also directs the appropriate executive officers of the Federal Government to turn over to the respective States of California, Texas, and Louisiana the moneys collected in the past from oil developments in the submerged lands and impounded by California under stipulation, or held in escrow by the Federal Government.

The gross total of such funds collected is reported to be about $62,800,000.

The division of that sum between the Federal and State Governments will depend upon a determination of the precise location of these States' boundary lines on the effective date of the resolution. If it should be found that Louisiana's and California's boundaries are 3 miles and Texas' boundary is 10½ miles, the table in the hearings, plus the $27 million known to be in California's hands from such offshore oil royalties and rentals, indicates that this $62 million will be divided about as follows:

Texas	$350,000
Louisiana	3,875,000
California	46,870,000
United States	11,190,000

The immediate grants to the three coastal States of cash which, on the basis of the Supreme Court rulings really belongs to the Federal Government are, therefore, very substantial, more than $50 million. The Court has ruled that those moneys belong to the Federal Government. It is now proposed to turn such revenue over, not merely in the future, but retroactively, to State governments. Such a proposal is being made at a time when it is said that the Federal Government is in financial difficulty, is operating at a deficit, and needs to balance its budget, all of which statements I believe to be accurate.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. Does not the Senator from Illinois think that such funds ought to be included in a special appropriation bill, if they are to be turned over to the States?

Mr. DOUGLAS. I certainly do.

Mr. ANDERSON. A proposal such as this, which would give the States $50 million, would amount to nothing more than an appropriation.

Mr. DOUGLAS. The Senator is correct.

Mr. ANDERSON. It would be no different from any other money in the Federal Treasury. There would be not a particle of difference.

Mr. DOUGLAS. From another point of view, we would be acting retroactively merely by saying that upon passage of this resolution States were to have paid to them funds which were previously derived from oil developments in the period between the time of the Supreme Court decision and this decision by Congress.

DEFINITION OF COASTLINE IS UNCLEAR AND MAY OPEN UP FURTHER GRANTS

My eighth point is that there is a further ambiguity in the Holland bill. It relates to the question I tried to develop in queries which I put to the Senator from Oregon [Mr. CORDON], and to the question which the Senator from South Dakota [Mr. CASE] raised with the Senator from Florida on the opening day of the debate this week. That is, from what line does the 3-mile or 3-league—10½ English miles—zone start?

The Holland bill uses as the point of origin not the term shoreline, which I believe was in his bill last year, but, instead, that of coastline. This is defined in section 2 (c) as the line of ordinary low water along that portion of the coast which is in direct contact with the open sea. To this is added the supplementary definition of "coastline" that it is also "the line marking the seaward limit of inland waters."

The real question here, as I see it, is what is to be done under this definition in the case of islands. Suppose we have a State which has a chain of islands lying some 20 miles offshore from the mainland. Would the 3-mile or 3 league zone start, first, seaward from the islands with all submerged lands between the islands and the mainland treated as an inland waterway and given automatically to the State or, second, from the shore of the mainland, with each island given in addition its own 3 mile or 3-league zone around it?

It is obvious that if the first definition is the one adopted, the Holland bill will turn over to the States very much more of the offshore submerged lands than would be evident at first thought, and hence the difference between it and the Daniel bill would be narrowed.

This point is extremely important as it applies to Louisiana, which has islands off its coast. Likewise it is extremely important in the case of California, and I think it may be of importance in the case of Florida. Possibly it is of some importance also in the case of Texas, although I am not so sure of my island geography in these two latter cases.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I wish the Senator would elaborate, if he can, on why he believes it would be of any importance whatsoever in the case of Florida.

Mr. DOUGLAS. I may have spoken hastily. As I recall, there are boats which move up the east coast of Florida and which, for the most part, are protected most of the way by chains of islands. Is it only north of the Florida coast that there is such protection?

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Of course, there is a series of inland waters which are divided from the open sea by long land areas, most of which are attached to the mainland. There has never been any contention made by the Federal Government or by individuals that those waters, such as the Indian River, for instance, are a part of the open sea. I do not know of any correct application to Florida of the point which the Senator from Illinois has mentioned. I thought the Senator was speaking hastily, without having really looked at a map.

Mr. DOUGLAS. The statement of the Senator from Florida may well be true, and I accept it. Nevertheless, it is a very serious question in the case of California and Louisiana.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. DANIEL. Will the Senator point out any possibility of this clause having any effect with respect to Texas, when Texas has no islands seaward from low tide? I believe the Senator from Illinois said that the clause might possibly have some effect with respect to Texas. Will the Senator point out what that possibility is?

Mr. DOUGLAS. I said it might possibly have some bearing.

Mr. DANIEL. Since Texas has no islands involved, will the Senator concede, as I believe he did in the case of Florida, that the provision would have no effect?

Mr. DOUGLAS. I will concede that if Texas does not have islands, this particular point would not refer to Texas. In all these cases, however, perhaps there may be the problem of headlands, whether we should try to draw a straight line between promontories or whether we should consider a circuitous course, following the contour of the shoreline.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Will the Senator be good enough to point out one instance

in which such a situation would apply to Florida?

Mr. DOUGLAS. Suppose it were argued that a line should be drawn from Key West, which I believe is the outermost extent of the Keys, to a point south of Tallahassee. That might be held to be an instance.

Mr. HOLLAND. Yesterday I thought the Senator's imagination had reached the ultimate point, but I find it has not, because when he talks about drawing a straight line from Loggerhead Key up the west coast to Tallahassee, and suggests that Florida would claim everything within that line, I think today he has probably reached the ultimate limit even of his vivid imagination.

Mr. DOUGLAS. I may have reached the limit of my imagination, but I have not reached the limit of the imagination of some of the people of Florida.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. I believe the same point on which I commented the other day applies in this instance. The Senator made a statement that the clause might have some application to the coast of the State of Texas. Then he was asked to delineate exactly every spot where that could happen. If anyone wants to ascertain where it might happen, let him go to California. He can find many instances there. It might be proper to say that this clause could have application there.

I do not think anything is gained by being pinned down to a specific, exact wrinkle in the coastline. I believe Congress ought to be passing legislation the generalities of which are such that the interests of the country are protected. I think it is perfectly proper for the Senator to suggest such a possibility.

Mr. DOUGLAS. I am very glad that the Senator from New Mexico has come to my rescue.

Mr. ANDERSON. When the Senator from Illinois mentioned the State of Florida, I shook my head. I do not believe the State of Florida is involved in the slightest way. Likewise, when he mentioned the State of Texas, I shook my head. I do not believe the State of Texas is involved in the question.

I say that the Senator from Illinois has a perfect right to suggest that there might be such a possibility, but I do not think the possibility now exists.

Mr. DOUGLAS. When I questioned the chairman of the subcommittee in charge of the bill about this question—and the discussion may be found at page 2633 of the CONGRESSIONAL RECORD of April 1, 1953—he at first said he was not prepared to discuss these matters. Later he declared:

> The joint resolution does not solve them and cannot solve them.

I am glad to notice the junior Senator from Maine [Mr. PAYNE] in the chair. The Senator from Maine has been governor of his State, which has a highly indented coastline, with many islands offshore. No one will deny that there are islands off the coast of Maine.

The question is, Where does the coastline of Maine begin? Is it from a line drawn from the outer edges of the islands? Or is it from the mainland that lies around each island?

I do not believe the question is a significant one so far as Maine is concerned, because the submerged lands around Maine are not worth much. However, the lawyers may persuade some future Governor of Maine to the contrary.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. I think the most dangerous thing a man can do is to undertake to predict where oil will or will not be found. No geologist I have ever heard of was able to say where oil could or could not be found. They can guess, but the discoveries come along to confound them every time. The Williston Basin in North Dakota is a perfect example. There are many other examples.

I suggest to the Senator that in my own State there was one section which had been drilled and drilled and drilled, and had been condemned time after time. Then along came a new test, going down to a depth of 12,000 or 13,000 feet. It was believed that 10,000 or 11,000 feet below the surface there might be a great deal of oil. Therefore I suggest that we do not disregard any portion of the east coast or the west coast, but consider this joint resolution as though oil or other minerals could be found along both coasts.

The State of Texas has a great deposit of sulfur in an area where no one dreamed there might be sulfur. That is a part of the oil enterprise which I like. Oil operators are out prospecting. They found potash in my State while they were prospecting for oil. They will find sulfur and other minerals.

I hope the Senator will not confine himself to any limited area, but will act on the assumption that all areas may contain fine industrial products.

Mr. DANIEL. Mr. President, will the Senator yield to me in order that I may compliment the Senator from New Mexico?

Mr. DOUGLAS. I yield.

Mr. DANIEL. I compliment the Senator from New Mexico for stating very frankly to the Senate that all the 21 coastal States might find oil or other natural resources beneath the soil. It is an important point, and one which the Senator from Illinois has overlooked in trying to say that only four States are involved in this measure. The Senator from New Mexico has made the point in graphic fashion, that every one of the 21 coastal States which would have its property restored to it by this measure would have an opportunity to develop very valuable resources. This is not merely a 3-State or a 4-State affair.

Mr. DOUGLAS. The Senator from Illinois was quoting yesterday from a report by the United States Geological Survey to the Committee on Interior and Insular Affairs, a report which set forth a map of the United States, showing certain areas where it was considered highly improbable that oil would be found. The report took a line slightly north of the northern boundary of Florida, and shaded certain areas as being highly improbable.

I think what the Senator from Texas is doing is selling some "blue sky" stock to the States north of Florida, in the hope that he can get the votes of Senators from those States on the strength of the prospect that some day they will strike oil. Let me say that the value of such securities is not one one-hundred thousandths part of a mill. I hope Senators will not buy these shares from the able salesman from Texas.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. I was trying to say that while it is true that we do not know where oil may be found, the cost of producing oil is still another matter. There are areas which have been marked on the maps by the Geological Survey as possessing oil; yet competent oil experts estimate that with present known methods of recovering oil it might cost as much as $25 or $30 a barrel to produce oil in such areas. The only areas where we now know that oil can be produced at reasonable cost are in the areas lying off California on the Continental Shelf, and off the coasts of the States of Texas and Louisiana.

Mr. DOUGLAS. So, as a practical matter, it is a case of Texas, Louisiana, California, and possibly Florida—in the warm waters where marine life flourishes, and where oil is condensed from the plankton, the fish, and the crustaceans which sink to the bottom of the ocean.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I am inclined to put out a word of caution to my good friend, the Senator from Illinois, because I think in suggesting to his colleagues from other States a little farther north the possibilities which he has outlined, he is following exactly the same philosophy which was followed in the Senate in 1844, when the Senate rejected a treaty of annexation with the Republic of Texas under which the United States would have obtained, for only a few dollars, limitless resources much greater than those now referred to by the Senator. I am cautioning the Senator that he may be making the same mistake now. However, it was not for that purpose primarily that I rose.

The Senator from Illinois has referred to subsection (c) of section 2 of the so-called Holland joint resolution. I want the RECORD to show at this time, and to advise the Senator at this time, that the words contained in that subsection were substituted by the committee for the words contained in the original measure, because the Department of Justice felt that that was the clearest, simplest formula to leave undisturbed the present decisions of the Supreme Court in that regard, and to bring the least possible confusion into this question.

The Senator will note the language of subsection (c):

> (c) The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters;

Those two definitions are taken together in order to constitute a line. In

some places the land goes right out to the open sea itself. In such a case, of course, the mean low-water line would be the coastline with respect to such land. In other places there are indentations, estuaries, bays, openings, or passages which lead inland. For that reason there was inserted the language "and the line marking the seaward limit of inland waters."

The line so described, when joined with the other line, constitutes a continuous line extending all the way across the sea frontage of any State, and all the States which have maritime frontages.

Let me say to the Senator, before concluding the explanation, that it was the opinion of the Senator from Florida, in yielding to that suggestion even before the committee adopted it, that perhaps it would cut down the potential litigation by as much as 99 percent of the possibilities which now exist, because the 3-mile line, or the 3-league line, as the case might be, which would be beyond and outside of the coastline, would reduce the points of friction and points of litigation to places lying seaward from the outside line 3 miles or 3 leagues off the coastline, as the case might be, which would mean that there would be an almost infinitesimally small number of points of difference or friction, as compared with the present situation, which involves numerous problems of how to delineate that portion of the coastline involving indentations or places along the coast where bays, for example, go inland. All such points would be eliminated from any possible discussion, as points with respect to which litigation might arise in the future, because they would be clearly within the States.

It is the serious opinion of the Senator from Florida that the definition contained in this subsection of the joint resolution so far from fomenting litigation, would cut down litigation to an infinitesimally small part of the present opportunities of litigation, opportunities which exist literally by the thousands all along our coast line. I think the two distinguished Senators, the Senator from Illinois [Mr. DOUGLAS] and the Senator from New Mexico [Mr. ANDERSON], both of whom are nodding their heads, glimpse that point.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. I think the language in the joint resolution as reported by the committee is greatly preferable to the language in the original joint resolution, with respect to the very point which the Senator from Florida has just made. I agree entirely with what he has said.

Mr. HOLLAND. I thank the distinguished Senator from New Mexico.

Mr. DOUGLAS. Mr. President, I merely wished to point out that even as improved and clarified in these respects, the joint resolution does not seem to me to resolve all doubts. I mention the doubts concerning its application to islands—which has special applications to Louisiana and California—merely to reinforce my argument that its full effect in transferring ownership to the States is not completely clear.

I point out also that when I queried the chairman of the subcommittee in charge of the joint resolution, who brought the joint resolution to the floor, and asked him about this very question, he declared that "the joint resolution does not solve them and cannot solve them."

It seems to me highly important that at least the essentials of this unclear issue should be resolved before we pass any measure, rather than leave the whole matter to judicial or administrative determination. For then the purpose which really guided us in our votes might be severely whittled away or actually reversed by such later action by a nonlegislative body. It would, moreover, be very time-consuming and prevent the speedy development of these resources.

It is, therefore, a pity that the committee did not take the advice of Attorney General Brownell, who urged it to draw a definite line around the coast of the United States which would show precisely where the new boundaries were being fixed or at the very least where the 3-mile limit lay. As the Attorney General pointed out, this would eliminate much expensive and unnecessary litigation. The committee has certainly created a vast amount of confusion and uncertainty by its failure to deal with this issue.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. In the first place, I call attention to the fact that the point the Senator has just made is largely destroyed by the admission just made by the distinguished Senator from New Mexico that, as now contained in the bill, most of the confusion, most of the opportunities for litigation in connection with the location of the outer boundaries, has been definitely disposed of.

In the next place, I desire to advise the distinguished Senator that the matter of drawing a line was attempted by the Department of Justice after the appearance of the learned Attorney General, and the effort was abandoned only after it was found that it was not so simple a matter as just putting down a line on a piece of paper—only after it was realized that it was not possible, by putting down a line on a piece of paper, to diminish in any sense the rights of any State affected, but, to the contrary, that more litigation would result from the attempt to infringe upon and impinge upon the lines which the States claimed they had been granted theretofore by the Federal Government. I commend the committee for having abandoned that effort.

Mr. ANDERSON. Mr. President, so far as I know, the committee never abandoned that effort. I find nothing in the decisions of the committee indicating that they ever abandoned it. I have seen that statement made by the chairman, but I have gone as carefully as I can through the decisions, and there is on record no decision on the part of the committee to abandon it.

Mr. DOUGLAS. Mr. President, I should like to point out that subsequent to the statement of Attorney General Brownell, an Assistant Attorney General, sent a letter to the committee, under date of March 6, which appears in the hearings at page 973. I should like to read from that letter:

> In the course of the hearings, some members of the committee expressed the view that it might prove difficult within a reasonable time to draw a line on a map delineating the State and Federal interests as suggested by the Attorney General. In this connection I would like to call to your attention that a line around the entire coast of the United States 3 miles out has already been drawn in connection with Senate Resolution 314, 71st Congress, 2d session. We have a copy of the map in our possession and would be glad to make it available to the committee. Although that line was drawn in another connection and is certainly not binding on anyone with respect to the present issue, it might very readily serve as a starting point for the line suggested by the Attorney General.
>
> Wholly apart from the policy issues involved, certain suggestions have been made by lawyers with the Department for improving the draftsmanship of the bills. Some provisions of Senate Joint Resolution 13, for example, seem to us to require extensive amendment. It would not seem desirable to go into problems of draftsmanship until the committee decided on policy. At that time we shall be glad to discuss such matters with appropriate representatives of your committee.
>
> Sincerely yours,
>
> J. LEE RANKIN,
> *Assistant Attorney General.*

So that while the Department did not stand on the precise line drawn by the Department of Justice for the 71st Congress, it suggested it as a starting point. Yet the committee turned it down.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. I again say that the committee never turned it down. It never had a chance to vote on it.

Mr. DOUGLAS. I beg pardon; the committee did not turn it down. Apparently, it just did not adopt the proposal.

Mr. ANDERSON. We tried our best to get some decision on the matter, but it was simply shoved aside as if the Attorney General of the United States did not have enough intelligence to make a suggestion to the committee.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield to me at this point?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. The Senator from Florida saw the particular communication just read by the Senator from Illinois, and saw the map containing the line which had been previously drawn, which line had been drawn for some other purpose entirely. I believe it was in connection with a bill having to do with the question of where inspections should be made in collecting tariff taxes, or immigration, or some such activity. I do not know whether the Senator from New Mexico saw the line or not, and of course I accept as correct his statement that he did not. Certainly a good many members of the committee saw it, because it was shown in my presence——

Mr. DOUGLAS. The Senator from Illinois holds in his hand——

Mr. HOLLAND. Let me finish my statement. It was upon inspection of

that line, and comparing it with the actual location of the 3-mile limit and the 3-league limit in the various States, that it became completely apparent that that line went back and forth in such a way as to open up measureless invitations to litigation, and that instead of accomplishing good, it would accomplish evil. It was after short inspection abandoned, as the Senator from Florida understood, by all concerned. If the Senator from New Mexico or other members of the committee did not see the line, that is something that has now just come to the attention of the Senator from Florida.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield to me to ask the Senator from Florida a question?

Mr. DOUGLAS. Certainly.

Mr. ANDERSON. Was the action to which the Senator has referred at an open or executive meeting of the Committee on Interior and Insular Affairs?

Mr. HOLLAND. The meeting was a meeting of the friends of the bill, a meeting of a subcommittee of the committee. The Senator from Florida, as the Senator from New Mexico well knows, was not a member of the committee, and, therefore, was not present at the executive meetings of the committee. But all concerned who sat in at the meeting we have just mentioned saw after a very short glance that adoption of that red line would bring confusion and difficulties, rather than the contrary. When those present considered that against the fact that for 6 years a master had been trying to draw just such a line on 15½ miles only of the California coast, out of a thousand miles of that coast, without yet coming to a decision which was acceptable to the two sides, and without yet reaching a decision which had been approved by the Supreme Court, it began to dawn on all concerned that the mere drawing of a line which did not extinguish anyone's rights, would result in making confusion worse confounded. Therefore, the effort was abandoned, as the Senator from Florida understood, by the friends of the joint resolution, and also by the Department of Justice.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. The friends of the joint resolution, so-called, probably did not want that language in it because it would tie down some of the claims being made.

Mr. DOUGLAS. And would not give them the blue ocean, which they wanted.

Mr. ANDERSON. The Attorney General did not think it possible for people to claim ownership mile after mile after mile out to sea, and that was why this recommendation of the Attorney General was never brought back to the Senate Committee on Interior and Insular Affairs. A small group, I am told, did get together and decide it was dangerous to limit themselves to a red line along the coast, but the Senate Committee on Interior and Insular Affairs never reached that conclusion, no matter what has been previously stated on the floor of this body by any member of the committee. I am not referring to anything the Senator from Florida has said, because he has not made the statement, as I understand, that the committee acted on the matter, until just this afternoon. The remarks of the distinguished Senator from Oregon left the impression that the committee had abandoned the position. It never decided to abandon it.

Mr. DOUGLAS. Mr. President, before yielding to the Senator from Florida again, I should like to say that I hold in my hand a series of maps covering the entire coast of the United States, with the exception of 3 or 4 sectional maps. The red line is clearly seen upon these maps. I wish to emphasize that the Department of Justice merely suggested that this line might well serve as a starting point for the line suggested by the Attorney General. The friends of the joint resolution turned their backs on something clear and definite, and used vague language, which, I agree with the Senator from New Mexico, would lead to endless lawsuits.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the Senator from Florida.

Mr. HOLLAND. I assure the Senator from Illinois that the Senator from Florida would have liked nothing better than to have the red line formally accepted, because, as I stated to the Attorney General, it would have gone out to the three-league line off of the west coast of Florida, which is a fixed line. It was so clear to me, as it was to all others who sat in upon that conference, that as to many other portions of the perimeter of the various States, as to all the places where there already was confusion, the attempt to draft such an arbitrary line would simply add immeasurably to the confusion, that the idea was abandoned. I would have been very happy to see it carried out, at least as to my own State; but I thought of the entire problem and the interests of the entire Nation and the interests of the other States concerned. Therefore, when I saw that this line would add immeasurably to the confusion in regard to the entire Nation and in connection with the litigation which would be invited, I abandoned the idea.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield to me?

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. With the permission of the Senator from Illinois, at this time I should like to read the boundary provision contained in the constitution of the State of Florida adopted in 1868:

> The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama and the 31st degree of north latitude; thence due east to the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; from thence straight to the head of the St. Mary's River; thence down the middle of said river to the Atlantic Ocean; thence southeastwardly along the coast to the edge of the Gulf Stream.

Mr. DOUGLAS. "To the edge of the Gulf Stream"—a meandering stream.

Mr. ANDERSON. Yes. Would that be 3 miles? I do not know. Perhaps that is the reason why it was difficult to draw a 3-mile line, in red, that also coincided with these boundaries.

Mr. HOLLAND. Mr. President, if the Senator from Illinois will yield to me, I wish to relieve him of some of the uncertainties which have been disturbing him today.

The line the Senator has read is rather well known to me, and I have traversed almost every foot of it. However, at this time, I shall confine myself to a discussion on the part of it which deals with the sea border.

Both the Senator from New Mexico and the Senator from Illinois have inadvertently made statements today with reference to Florida's easterly boundary on the Atlantic Ocean which are not at all in accord with the facts; but they were inadvertent, and therefore I wish to correct them now.

The Senator will find that from the mouth of the St. Marys River down for an indefinite distance, that line follows the coast, and does not go out to the Gulf Stream. The line follows the coast until it strikes the Gulf Stream. If the Senator will consult the records, he will find that the place where the Gulf Stream hits the coast is at Cape Florida, just below Miami, on Key Biscayne. So all the way down to the far southeastern reaches of the State, that official border or boundary did not extend into the Atlantic; and our 3-mile border there comes about simply because of the operation of Federal law.

Mr. ANDERSON. Let me inquire which Federal law that is.

Mr. HOLLAND. It comes about by direction of the Federal law.

Mr. ANDERSON. I inquire which Federal law that is.

Mr. HOLLAND. The Senator from Illinois has yielded to me, and I should like to complete my statement.

Mr. ANDERSON. Very well.

Mr. HOLLAND. The only place where there is any indefiniteness at all in this border, so far as Florida is concerned, is from Cape Florida around, following the Gulf Stream, along the Florida reefs, to Loggerhead Key, which is at the west end of the Florida Keys. There, as I stated on the floor the other day, our own courts, our own legislature, and our own officials of every kind have long ago admitted that a fluctuating, uncertain boundary like the Gulf Stream could not prevail, and that there the boundary will have to be the 3 miles which we get by operation of Federal law because we happen to be a State.

The place where we have the 3-league boundary is where it is specifically spelled out, opposite the mainland coast of the west side of our State. If the Senator will continue to read the boundary provision of our constitution, he will see that it is spelled out. If the Senator had been here the other day, during the earlier stages of the debate, he would have heard discussed pleasantly and at considerable length, between the Senator from Illinois and the Senator from Florida, the occasion of the adoption of that constitution and the occasion of the submission of it to Congress in 1868 and

the action taken upon it at that time by Congress.

There has never been any contention on the part of the State of Florida that Florida has a 3-league limit anywhere except off the mainland coast of Florida in the Gulf of Mexico, where the waters are shallow, where the precedent long before established as to Texas was followed by our constitution framers in 1868 and, as we believe, was approved by the Congress in 1868.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield at this point?

Mr. DOUGLAS. I am glad to yield.

Mr. ANDERSON. Then, am I to understand that unless the pending joint resolution is enacted, the boundary of the State of Florida will be exactly along the coastline until it gets below Miami?

Mr. HOLLAND. No; the Senator from New Mexico is completely incorrect.

Mr. ANDERSON. How was the 3 miles arrived at?

Mr. HOLLAND. In the same way that the original States got it, and in the same way that other States which do not have it provided in their constitutions got it—in other words, because that is an incident of statehood.

Mr. DOUGLAS. Does the Senator from Florida mean because his State came in on an equal footing with the original States?

Mr. HOLLAND. We get it because by Federal law and Federal practice and Federal court rule all through the years of our Nation, the limits of the coastal States have been interpreted to extend for that distance in connection with police activities, insofar as concern the fixing of the State's boundaries and the performance of all State duties and the carrying out of all the services the States are required to carry out.

Mr. ANDERSON. That is the point.

Mr. HOLLAND. I have never contended in this debate, or anywhere else, for a 3-league limitation in the case of my State, except as fixed by its constitution and except as approved, I believe, by the Congress.

If the Senator does not think we have a case which we can establish in court, why is he greatly concerned about it? I am perfectly willing to rely upon that 3-league limit on our Gulf Coast, as stated in the Florida Constitution and as approved by the Congress, so I believe, in 1868.

So it is very difficult for me to understand why those who oppose the pending joint resolution feel that there is something to fear, if they feel we have no firm case for that boundary. We do not spell out that firm case in the pending measure. In this measure we simply claim the right not be be deprived of our right before the court and our rights whatever they are in the family of other States to show—if it be a fact—that we have a greater border than 3 miles, as we claim, in the Gulf of Mexico.

Likewise, we claim—and to come under this measure, we would have to establish that claim—that that 3-league border was not only provided in our constitution, and is still there, but that it was approved when our constitution was approved by act of Congress.

So if the Senator thinks that any link in that chain is unsafe and insecure, that should make him believe that Florida will not have the claimed 3-league boundary, anyway; then he should not be too much disturbed about any implication in the pending joint resolution that Florida may be allowed to maintain this claim, if it can, by standing upon action heretofore taken by the Congress.

I am beginning to believe that my friends are fairly well convinced of the strength of the action taken by Congress, and are afraid that Florida does have a legal and a supportable claim to the 3-league boundary, because if the case were as weak as some Senators seem to believe it is, why would they be disturbed by the general wording of the pending joint resolution, which simply gives Florida its day in court?

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield to me at this point?

Mr. DOUGLAS. I am glad to yield.

Mr. ANDERSON. Time after time we have asked the question, What are the borders of these States? The Senator from Florida has stated over and over again that the border is 3 miles on the eastern side of Florida and 3 leagues on the western side of Florida.

Mr. HOLLAND. And I so state now.

Mr. ANDERSON. Yes.

The pending joint resolution, upon which the Senator from Florida relies to establish the western border of 3 leagues, puts the border at the coast on the eastern side. In other words, the equal-footing clause shoves the boundary 3 miles out into the ocean on the eastern side, but leaves it where it is on the western side.

All we have said about it is that we are buying ourselves lawsuits, whereas if we tried to confine it to a specified area, we would not have constant and persistent lawsuits.

From what has been said, we know that the first lawsuit among them will be either a State of Louisiana lawsuit or a State of Texas lawsuit or a State of Florida lawsuit, in an attempt to establish a different boundary than the one the equal-footing clause would give them.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield to me at this point?

Mr. DOUGLAS. I am glad to yield.

Mr. HOLLAND. The Senator from New Mexico has no substance at all upon which he could base any proper statement that the State of Florida would file such a suit. On the contrary, the pending joint resolution would give to the State of Florida a complete right, just as in the case of every other State, to its boundary at 3 geographic miles on the east coast.

So I think the Senator from New Mexico has failed to recall that, in making the statement he made just now.

Furthermore, after his former assertions of doubt as to whether the constitutional boundary of the State of Florida was confirmed by Congress in 1868, when the Senator from New Mexico found that the case which went to the United States Supreme Court—in which the Court held that the mere passage by Congress upon a constitution, when that constitution contained a boundary provision, operated to accept and affirm and approve that boundary, even though no mention of it was made in the debate—came from New Mexico and that it relates to his own State and is the case which fixes that rule, I suspect that he then became much more lenient in his views regarding the situation in the case of Florida.

Mr. DOUGLAS. Mr. President, I have now finished the fifth point of my speech, dealing with an analysis of the so-called Holland joint resolution, Senate Joint Resolution 13, as revised.

I now come to point No. 6, dealing with some of the arguments made by the so-called giveaway group.

VI. SOME ARGUMENTS OF THE GIVEAWAY GROUP CONSIDERED

It is extraordinary how nonexistent or feeble are the arguments advanced in favor of the Holland bill. The Senator from Oregon in his introductory speech carefully refrained from expressing himself on the merits of the bill and refused to permit any question about its merits or demerits. He confined himself to an exposition of its contents and insisted that opponents of the measure should be restricted to such inquiries. I have never known so important a measure which had so little argument to support it. Nevertheless, I think I have detected three alleged reasons which are advanced at times in its support—possibly four, because the Senator from Florida put forward a new one when he spoke. These arguments are, in my judgment, weak, attenuated, stunted and twisted. But they deserve to be stated and exposed to the sunlight of reason.

1. SO-CALLED STATES' RIGHTS

The argument in favor of giving away these rich deposits is sometimes advanced under the general banner of States' rights. The Holland and Daniel bills are then described as merely returning to the States property which once was theirs. So this measure advances under the halo of the stars and bars, and presumably with the blessing of Robert E. Lee and Jefferson Davis. But it is quite apparent from the Court's decisions that the three coastal States as such never had any claim to the offshore oil deposits under the submerged lands, and that therefore there is no question of a return involved. How is it possible for the Federal Government to return something that they never owned? The Supreme Court has ruled that it was the Federal Government, acting through Secretary of State Jefferson, which first asserted jurisdiction over the marginal sea. It has been the Federal Government which through its Navy, Coast Guard, Air Force, and shore batteries has protected it. To turn over the submerged lands beneath this marginal sea to the States is indeed purely a giveaway. It gives to a few States that which the Court has ruled is the property of all the States and of all the people. It violates the real rights of the inland States and also of those coastal States which do not have oil, gas, or sulfur off their shores. It should not be called a States' rights measure—it should rather be called a States' wrong measure.

2. CHARGES OF SOCIALISM UNFAIR AND INCORRECT

This brings us to a second contention of those who would launch such a give-away program. They argue—they have not so argued on the floor of the Senate, but the argument has been carried to the country—that those who would retain the paramount power over these oil deposits in the Nation as a whole are advocates of nationalization and of socialism. These are fighting words well calculated to make the hackles of most Americans rise, but before we succumb to them let us see what is their real meaning.

Of course, under the present conditions of the Anderson measure, the Federal Government would not directly drill, operate, or manage the oil and gas wells to be sunk on these submerged lands. This would be done by private companies after obtaining leases from the Federal Government under which they would pay royalties in compensation for these privileges.

Mr. President, notice this: If we were to give away the submerged lands to the States, they would do precisely the same thing. The advocates of the giveaway bill, if they are to be consistent, should, therefore, call their program State socialism.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HILL. Might not the fact that the Federal Government makes the leases insure fairer and more equitable leasing with respect to all the companies that might be interested? In other words, there might be some disposition on the part of a State—which would perhaps be natural—to favor its own citizens, and to favor a resident of the State over a nonresident. Is not that correct?

Mr. DOUGLAS. Yes, that is true; and one of the advantages which Hamilton and Madison pointed out, which a larger government would have over a smaller unit resulted from the fact that in a larger government there would be a greater variety of interests, that such greater variety of interests would result in competition among the interests, and, therefore, there would not be so much domination on the part of any one interest in particular. As I remember, it was the eighth paper in which this point was developed. It was made one of the strongest arguments for ratification of the Constitution.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. DOUGLAS. Yes; I am glad to yield.

Mr. HILL. I do not care to take the Senator back to the controversy about shrimp.

Mr. DOUGLAS. The Senator from Alabama is not a shrimp, either physically, intellectually, or morally.

Mr. HILL. I thank the Senator. I do not know how much of a compliment that is, frankly, because a shrimp is a pretty small animal. But I think if the Senator will examine the laws of several States relative to shrimp, he will find that some of those laws grant specific favors or special privileges to the citizens of a particular State, favors or privileges which are denied to citizens of other States.

Mr. DOUGLAS. I believe that is true.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. DANIEL. Did the Senator from Illinois answer the question of the Senator from Alabama as to whether the Federal Government receives more money for its leases?

Mr. DOUGLAS. No; he did not raise that question.

Mr. DANIEL. That was not involved?

Mr. DOUGLAS. No. It was merely the question of favors as between one set of applicants for leases and others.

Mr. DANIEL. At the present time, I certainly want to offer to show that the States receive from their mineral leases far more than the Federal Government for its mineral leases.

Mr. DOUGLAS. I want to say in the interest of fairness and equity on this point, that when I began to go into that question well over a year ago, I assumed that the oil companies were paying less to the States for leases on the submerged lands than in all probability they would pay to the Federal Government. Upon investigation it developed that in the case of State leases probably the average which they pay is around 16 or 17 percent, and that in the State of Louisiana, if the severance taxes are included they are paying more than 20 percent. We do not know how much the Federal Government would be able to obtain. There would, however, be a minimum amount of 12½ percent under the Anderson bill, S. 107; and, above that, the leases would be fixed on the basis of competitive bidding. I am not claiming that the Federal Government would collect more than the State of Louisiana, although I think it probably would collect more than would the State of California.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HILL. In fairness, is it not true to say that, as is the case today, the amount that would be received by the Federal Government is fixed by statute; and, of course, the executive branch that would be charged with the making of leases by the Federal Government would be absolutely limited and controlled by statute? But the executive departments have made representations to the Congress that the Government should be permitted to get more for leases. Is not that correct?

Mr. DOUGLAS. That is true. I know that the Anderson bill assures the right of the Government to obtain larger royalty payments than at present the Federal Government receives for on-shore wealth.

One reason why the existing royalties from Federal land on shore are lower than from State leases off shore is because in the early 1920's, I believe in the Harding and Coolidge administrations, leases were granted providing for as little as 5 percent royalties, and these royalties have been carried over and continue to hang as a millstone around the neck of the Interior Department. That is a bad heritage from the 1920's saturnalia of oil corruption perpetrated on the country in the administration of President Harding. But the Anderson bill strikes at that dead hand.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I shall be glad to yield.

Mr. DANIEL. Who was President of the United States in 1920?

Mr. DOUGLAS. In 1921 the President was Warren Harding.

Mr. DANIEL. But the Mineral Leasing Act which the Senator is condemning was passed in 1920, and it provides for 50 cents an acre for all wildcat leases. Originally it provided for only 25 cents an acre on wildcat leases on Federal land. The State of Texas has averaged $20 an acre for all its leases on submerged lands as compared with 50 cents an acre received by the National Government on Federal lands. I should like to point out that that is why this whole fight started. Federal lease applicants wanted to grab off the leases at 25 cents an acre and later 50 cents per acre under the Federal act, and the coasts of California and Louisiana are blanketed today with 1,031 Federal leases by persons who want to hit the jack-pot if the lands are not returned to the States.

Mr. DOUGLAS. I shall deal with the latter part of the Senator's statement in a moment. But so far as the Federal Leasing Act of 1920 is concerned, I wish to point out that this country made a great mistake in 1918 and elected a Republican Congress, and it was that Republican Congress which passed that act at a time when the President of the United States was physically disabled and unable to protect the interests of the Nation. The abominable terms of the Mineral Leasing Act of 1920 were a precursor of the terrible things which were coming a few months afterward. Coming events cast their shadows before.

Mr. DANIEL. We have had a Democratic Congress for quite a few years since that time, have we not?

Mr. DOUGLAS. Yes.

Mr. DANIEL. Have they changed the Federal Leasing Act except to raise the rentals from 25 cents to 50 cents an acre?

Mr. DOUGLAS. We have had Democratic Presidents, but we have not had Democratic control of the Congress since 1937, because, ever since then, there has been an alliance between Republicans and certain Members of the Senate from south of the Mason and Dixon's line which on such matters has resulted in Republican control of the Congress of the United States.

[Manifestations of applause in the galleries.]

Mr. LONG. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. LONG. Is the Senator from Illinois taking the position that the northern branch of the Democratic Party is entitled to no part of the credit for the progressive measures which have been passed since that time?

Mr. DOUGLAS. President Roosevelt and President Truman are entitled to a great share of credit. So far as foreign

affairs are concerned, the Democratic Members from south of the Mason and Dixon line have seen the issue more clearly than have those from any other section of the country. They have moved with us, and I hope our friend from Texas [Mr. DANIEL] will move with us on those issues.

As to domestic affairs, there is some difference of opinion. We not only admit it; it is true.

Mr. LONG. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I yield.

Mr. LONG. Is the Senator willing to take the position that the northern branch of the Democratic Party is entitled to none of the credit for any of the fine things accomplished in the domestic field since 1937?

Mr. DOUGLAS. We passed the wage-and-hours bill in 1938. The election victory of the able Senator from Alabama [Mr. HILL] in that year and of former Senator Pepper served notice that the people of the South wanted a 25-cent minimum hourly wage, and as a result, the bill went through very rapidly. Since that time, we have passed very little legislation of a progressive nature.

I did not intend to get into this discussion when I started, but since the Senator has brought it up, I have made my comments on it.

Mr. MORSE. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. MORSE. In view of the Senator's confession, I should like to suggest to him that he hit the sawdust trail and join my party. [Laughter.]

Mr. DANIEL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I shall be glad to yield.

Mr. DANIEL. Returning to the question relative to the joint resolution which is before the Senate, the Senator from Illinois will concede, will he not, that the States today and during past years have been receiving more from their wild-cat mineral leases than the Federal Government has been receiving on similar leases on Federal lands?

Mr. DOUGLAS. The Federal leases have bad heritages from the past. There have been lobbyists who work both sides of the street. They work the Senator's side of the street and our side of the street. I believe the big boys are on the Senator's side, and there are attorneys and minor representatives on our side. You get the big money, and we get the little money. Pardon me. When I say "you," I mean the Republicans.

Mr. DANIEL. Is the Senator going to answer my question as to whether the States receive more from their leases under their present and past laws than the Federal Government has been receiving under its laws?

Mr. DOUGLAS. I have had some suspicions about this resolution, one being that it would enable the oil companies to pay less on oil from submerged lands than they would have to pay the Federal Government. Some of those suspicions seem to be ill-founded. I should like to point out to the Senator from Texas that I have never advanced that idea as the reason why it is favored by many. That raises several interesting questions which have puzzled me and which at times have kept me awake at night. It is undoubtedly true that the oil company group is behind Senate Joint Resolution 13. They operate under cover, below the surface, but they are there. The obvious question is, Why are they doing that when the terms of the Federal laws are not more severe upon them than are the State laws?

I should like to offer, and I hereby do offer, a prize of $15 to anyone who will submit a reasonable explanation of this situation, and I shall be glad to meet with contestants and mention to them quietly the suspicions which I have, but which I shall not express upon the floor of this body or place in the CONGRESSIONAL RECORD.

Mr. DANIEL. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I shall be glad to yield for a question.

Mr. DANIEL. The Senator, then, admits that the States have been more successful, notwithstanding the lobbyists, in insisting that we keep laws on our books providing for more money from our mineral leases?

Mr. DOUGLAS. Is the Senator from Texas pressing the Senator from Illinois to bring out into the open the ideas which flit through his mind and which he would be reluctant to express?

Mr. DANIEL. Not at all. The Senator from Illinois, without a doubt, understands my question. The Senator said a minute ago that there had been pressures on each side, that certain persons had been pressuring the Congress and the States. Since the States receive so much more money from their mineral leases in State lands, I am wondering if the Senator can hand us a little bouquet and acknowledge what the States have done in this field?

That is all I am asking the Senator. Do I get an answer to that question?

Mr. DOUGLAS. I am not criticizing the State of Texas or the State of Louisiana for giving unduly favorable terms to oil companies for leases off the coasts of those States. I paid a compliment yesterday to the family of the junior Senator from Louisiana [Mr. LONG] for imposing a severance tax upon all oil taken from Louisiana soil. I think that was a very progressive step, which has not been sufficiently appreciated by the people of the United States. As I said before, it laid the basis for the funds which have built up the common schools, highways, and the great State University of Louisiana. I am not criticizing the States of Louisiana and Texas.

In the case of California, I think California probably has not gone so far as have the other two States.

So far as the Federal Government is concerned, I wish to point out that while the average royalty was reduced by the low rates of the 1920's, so far as the recent leases are concerned, the Federal Government does not stand in a very inferior position to the average for the country as a whole.

I may say that on March 3, Representative HAGEN, of California, placed in the RECORD the figures for the fiscal year ended June 30, 1952, on competitive leasing and bonus results for the public domain and for restricted Indian lands, and his table in the RECORD compared them with some lease sales on State-owned lands. A reading of this interesting memorandum in its entirety on pages A1065–A1066 of the RECORD would repay all Members.

I ask unanimous consent to have just these tables giving the Federal-State leasing results for 1951–52 printed at this point in my remarks.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Without objection, it is so ordered.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—*Competitive leasing and bonus results, public domain and restricted Indian lands, fiscal year ended June 30, 1952*

State	Acres sold	Bonus per acre	Total bonus
New Mexico (Federal land)	3,193	$43.70	$139,499
New Mexico, Colorado and Utah (Indian land)	250,334	20.20	5,055,964
California (Federal land)	250	54.75	13,697
Louisiana (Federal land)	284	74.90	21,249
Mississippi (Federal land)	6¼	489.00	3,051
Kansas (Federal land)	3,261	76.20	248,222
Oklahoma (Federal land)	27½	45.00	1,238
Oklahoma (Indian except Osage)	84,086	11.22	950,154
Colorado (Federal land)	1,710	22.10	37,716
Montana (Federal land)	1,800	23.00	42,883
Montana (Indian land)	46,019	10.35	477,892
Wyoming (Federal land)	1,984	33.70	66,785
Wyoming (Indian land)	8,848	13.55	135,599
North Dakota (Indian land)	19,691	31.15	613,296
South Dakota (Indian land)	23,554	3.72	89,003
Utah (Indian land)	12,996	$45.80	$595,695
Total Federal	12,576	45.70	574,340
Total Indian	446,128	17.74	7,917,603
Total Federal and Indian (except Osage)	458,704	18.50	8,491,943
State lease sales of State-owned land:			
New Mexico (year ending June 30, 1952)	173,739	36.78	6,390,769
Oklahoma (July 1949–December 1950)	81,593	9.34	762,502
State lease sales of offshore land:			
Louisiana (sold in 1948)	600,653	15.73	9,451,942
Louisiana (sold in 1950–51)	463,608	36.69	17,011,076
Mississippi (1948–50)	1,965	1.17	2,314
Texas (Nov. 7, 1947)	374,937	19.28	7,230,445

Source: U. S. Geological Survey.

Mr. DOUGLAS. I now yield to the Senator from New Mexico.

Mr. ANDERSON. I wish to ask the Senator from Illinois if it might not be well to develop the question of whether the States or the Federal Government get higher returns. He can go into States such as Colorado, Wyoming, Utah, and New Mexico, and compare the average State rental with the average Federal rental. He can also compare the prices obtained from the leasing of State pastures and the prices obtained from the leasing of Federal pastureland.

The States of Texas and Louisiana have done very well in the matter of leasing. No one will contradict that statement. There may be a difference in the approach of individuals. A Federal lease is always regarded as a prospecting permit. It is just as tough, and has to be under the law. The administrators of

the law can do no better than Congress will allow them to do. It would be well to remember that.

There was a general revision of the law in 1936, and we can look back to that time and see the contest which was made. The good features that had been suggested were left out of the Federal law. That was the fault of no one but the Congress of the United States. We cannot blame the Federal officials who work for the Government.

Mr. DOUGLAS. Am I correct in my understanding that the Anderson bill would place the leasing of submerged lands on a much better basis than the leasing of mineral lands; that it prescribes competitive bidding and a minimum royalty of 12½ percent, with no more 5-percenters?

Mr. ANDERSON. I do not believe it will go as far as we want it to go. We have still to take the time to work out a new leasing program.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG. With regard to the position of the oil companies, I believe, in fairness, it should be said that the oil interests in the last Congress, to my personal knowledge, were in support of the so-called O'Mahoney-Anderson bill, which was very similar to the Anderson bill which is now before us. The oil companies presented witnesses in favor of it. I personally was urged by representatives of various oil companies to support it. Generally speaking, I believe the position of the oil interests has been that they wanted to operate under whichever government would permit them to operate, because they were seeking to develop the oil resources. No one can blame the oil companies. They have made State leases in good faith, and they hope to have these leases ratified by one side or the other.

Mr. ANDERSON. I believe that what the Senator from Louisiana has said needs to be qualified. To be sure, the oil companies, recognizing that the President of the United States was not going to sign quitclaim legislation, felt that they would like to get those lands into operation. I do not think there is any question that they would have been happy to see the derricks working. Likewise, I would have been happy to see the derricks working. But the oil companies have always favored quitclaim legislation.

The audit of the city of Long Beach, Calif., up to June 30, 1952, shows that in the previous year the city—that one community alone—had spent $106,000 in connection with tidelands legislation. That is a matter of official record and can be produced. That was the amount of money spent for tidelands litigation by the city of Long Beach in 1 year.

Mr. LONG. The Senator from New Mexico is not speaking of a private oil company; he is speaking of the city of Long Beach, Calif., which was fighting to have its property restored.

Mr. ANDERSON. If the Senator from Louisiana does not know that the city of Long Beach operates as its own private oil company, he has not been listening to the testimony.

Mr. LONG. The city of Long Beach cannot be regarded as an oil interest.

Mr. ANDERSON. We have barely gone into this matter, but if the Senator desires another piece of information, I can tell him that former Senator Donnell, of Missouri, held hearings and called Mr. Clary to the witness stand and asked him how much his firm had received in fees. He was informed that the amount was $250,000, or more, at that time; it is now probably more than a half million dollars.

I have not been able to locate anyone on the other side who has that small amount of money.

Mr. LONG. Mr. Clary came before our committee, when the Senator from New Mexico was a member last year, and testified for substantially the same bill the Senator from New Mexico has offered as a substitute for Senate Joint Resolution 13. I would like to testify to that fact personally.

Mr. ANDERSON. I can understand why the Senator from Louisiana would. The whole story ought to get out, because while there was testimony one way, other people from Long Beach were testifying the other way.

We had practically come to an agreement with the States in the 81st Congress as to how this might be done. I do not believe the then attorney general of Texas, who is now the junior Senator from Texas, subscribed to the proposal, but he will remember that Bascom Giles testified before the committee.

The Senator ought to have seen what people in Long Beach did. The Senator ought to have read the articles that appeared about me in Long Beach newspapers. They were illuminating. I can probably find the testimony here. At any rate, some testimony was introduced in the record which showed that Long Beach had developed a tidelands movie, Freedom's Shores, and that the report of the interim committee on tidelands of the California State Senate had boasted how it had been able to take a decisive part in the defeat of Senator O'Mahoney in the last election; how Long Beach and the State Lands Commission of California reached clear into the State of Wyoming. The State lands commission told in the report that it had approved the purchase of five additional copies of this movie, and presumably will go into other States in the 1954 election and seek to defeat other Senators.

Mr. DOUGLAS. They may go into Illinois in 1954.

Mr. ANDERSON. If the Senator desires to go further into this matter, it will be easy to do so. I am sorry that we have gotten into this discussion. Nonetheless, having gone into it, it is not amiss to state that in Wyoming a special sound track was added to the film telling a story which criticized Senator O'Mahoney for something which was no fault of his but concerned his opposition to the Fallbrook bill.

Mr. LONG. I hope the Senator from New Mexico understands that when I said that in my reference to the oil interests and the O'Mahoney-Anderson bill in the 82d Congress, I meant that they testified for it and supported it. I was urged by attorneys for oil companies to go along and support the O'Mahoney-Anderson bill at that time. That measure was substantially the same Anderson bill which is now pending as an amendment to the joint resolution.

The Senator says that the oil companies were not supporting that measure, even though representatives of the major oil companies testified in its favor. The city of Long Beach was against it, but I never had the idea that the city of Long Beach was an oil company.

The State of Louisiana also appropriated some money to engage attorneys and to send them to Washington to do the best they could to have Louisiana's submerged lands restored to the State.

I suppose the State of Texas also spent some money for the same purpose. The former attorney general of Texas, who is now the junior Senator from Texas, is present. But the fact that those States acted as they did does not make them oil companies.

The fact is that the oil industry, including the Standard Oil Co., the Texas Oil Co., the Gulf Oil Co., and various other companies, were represented by Mr. Hallanan, who testified in favor of the O'Mahoney-Anderson bill at that time. I sincerely believe that they were supporting that measure.

I am not saying that there is anything wrong about it. All I am saying is that the record indicates that the oil industry supported what it thought would be good for the oil industry first, and perhaps what was good for the Nation second. In any event, they have been on both sides of the question, so I think it is immaterial on which side the oil industry now stands.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. In the previous resolution we did not attempt to make any final disposition of oil and gas money. All the money was to be put in the pot for subsequent distribution by the Congress. That is not the present situation. But there can be no question, and there should be no question, that oil industry advocates came here and supported that resolution. There was a situation caused by the failure of the Iranian oil fields and the closing of the Abadan oil refinery, which seemed to make it imperative that the oil industry along the coast be put into production. There were derricks there ready to be put to work. There was the possibility of an oil shortage in the United States. The statement was made by the then Petroleum Administrator that if certain things were to happen—I do not wish to quote him exactly as to what they were, because I do not remember—we could have gasoline rationing again in the United States.

It was because of a desire to avoid gasoline rationing in the United States and to make it possible to produce oil from the shores of Texas and Louisiana that I entered the endeavor to see if it might be possible to put those lands in such a situation that oil could be produced. I tried to demonstrate that I was endeavoring to be fair by saying that the money should not be appropriated from the Federal Treasury. I was not a sponsor of the Hill amendment. I advocated that the area be allowed to produce; that the money derived from such produc-

tion be put in the pot in the Treasury, and that Congress take its own time in determining whether it belonged to the State of Louisiana or the State of Texas or to the Federal Government.

In the prior resolution we provided a period of interim operation lasting 5 years, so that two presidental elections would intervene. Surely in that time, there might be a President in the White House who would sign a quitclaim bill if it should be passed by the Congress. Only one election intervened until that result was attained.

Mr. DOUGLAS. Mr. President, the Senator from Illinois did not raise the question as to the economic interests which are supporting or opposing this measure. This is one of the excursions which develop when we go into some of the issues.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. In a moment.

In response to a question by the Senator from Texas, the Senator from Illinois stated very frankly that the States of Texas and Louisiana deserved credit for the terms which they imposed on private lessees with respect to their offshore submerged lands.

He wished to point out, however, that it is not fair to take an average of amounts received from such lands and compare it with the average received from Federal onshore lands, because the hands of the Federal Government with respect to onshore lands were tied by leases which were made under the 1920 Leasing Act. Congress has failed to bring that act up to date. The major portion of the failure, however, would be removed by the Anderson bill, which those of us who are opposed to granting title to the States are supporting.

I am now glad to yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, like the Senator from Illinois, I somewhat regret that this particular question has entered into the discussion. The Senator from Illinois has been frank and generous in stating what is a fact, namely, that the oil States have done a fine job in the handling of their leases, and, up to now, a somewhat better job than the Federal Government has done. However, I want it to appear in the RECORD now that no one on our side of the fence pretends in the slightest degree that the oil companies have shown any particular consideration for those who are debating on the other side of this measure. We have simply stated it as a matter of fact—and we shall continue so to state it, because we know it to be true, and the RECORD shows it—that both as to Senate Joint Resolution 195 of 1950 and Senate Joint Resolution 20 of 1951, the O'Mahoney-Anderson bill, the oil companies were in strong support of those resolutions. The RECORD this year shows testimony from one of their leading attorneys in reply to my question, on page 613, as follows:

> I would like to ask him if it is a fact that he and the Committee of Oil Lessees from the Gulf did support Senate Joint Resolution 195 in 1950 and Senate Joint Resolution 20 in 1951
>
> Mr. ORN. Senator, we did.

Then he went ahead with other confirming statements.

I stated at that hearing, and I now state, in order that there may be no misunderstanding whatsoever, that I do not claim that any Senator who supported Senate Joint Resolution 195 or Senate Joint Resolution 20 was upon improper ground simply because oil companies were supporting that particular venture.

I am trying to put myself in the shoes of the oil companies for just a moment. It seems to me that if I were an oil man I would be practical and try to support the resolution which had the best chance of passage, so that the oil companies could start producing oil and use their heavy equipment, which is wasting and rusting along the coast, and sometimes out over the water. Not for anything would I or any of the Senators associated with me seek to disparage or discount, or throw any improper reflection upon any Senator who feels other than we do.

However, a great many brickbats have been thrown at us. It so happens that the Senator from Florida comes from a State which does not produce oil in its submerged areas. He happens to come from a State where he was lucky enough not to be opposed last fall when he was running for reelection. This question did not enter into his race, and could not have entered into it.

The Senator from Florida says that it is a fact that last year the oil companies wanted the other resolution. They came to the Senator from Florida and to the Senator from Louisiana, just as the Senator from Louisiana has stated with reference to himself. The Senator from Florida does not believe that they were trying to buy him or to influence him improperly. He thinks they have the same right, in connection with legislation affecting them, that any other citizens have with respect to legislation affecting them. I do not believe that they were trying to do anything improper with reference to the Senator from Florida. The Senator from Florida fully understood why they were supporting Senate Joint Resolution 20. But he does not relish these constant repetitions by cheap columnists and commentators to the effect that all those who support the claim of the States for the restoration of States' rights and the restoration of State government, as well as the diminution of the overwhelming Federal greatness at Washington, have some improper motive or have been subsidized by oil companies, when nothing of the sort is the case.

Before I take my seat let me say that if there are any two attorneys in the public service who are of higher character or who have been more consistently independent of the oil companies in their States, where there are oil companies of great size to contend with or to work with, as the case may be, than the junior Senator from Texas, who served as attorney general of his State so brilliantly and for so long, and the junior Senator from Louisiana have always been, I do not know who they are. Everyone knows that they are not the picked boys of the oil companies. I am sure that no one on this floor or anywhere else who is responsible would even suggest such a thing.

I am sorry the distinguished Senator from Illinois made the statement which he did. I am sure that he did not mean any such implication when he said that the big money and the big boys were on the other side.

Mr. DOUGLAS. Mr. President, the Senator from Illinois did not start this line of discussion by any means. Of course, the Senator from Illinois not only has refrained from making any statements about the Senator from Louisiana and the Senator from Texas, or other Senators sponsoring the pending resolution, but he is very glad to reaffirm what he originally said, that he is certain that they are proceeding in complete good faith. I will say that over and over again. It might place the curse of death on me to go down to Texas and Louisiana and say that to audiences, because I suppose I am not particularly popular in those two States, but I would be very glad to do so. I would be very glad to offer a character testimonial for those Senators, if they should so desire.

It is true, however, I think, that the attitude of the oil companies changes from time to time. In the past, when President Truman was in the White House, the oil companies felt that a so-called quitclaim bill similar to Senate Joint Resolution 13, if it passed the Congress, would be vetoed by the President, as it was, and therefore there would be no legislation, and matters would be held up.

Rather than have no legislation, the oil companies then preferred the so-called O'Mahoney-Anderson bill. But now that President Truman is no longer in the White House, and a very excellent gentleman, who unfortunately made a premature commitment on this very subject, has replaced him, there is no question now that the oil companies prefer the Holland joint resolution to the Anderson bill. They always would have preferred the Holland bill to the Anderson bill, in my opinion, if they had thought they could get it, but a little man in the White House stood in their way, plus the fact that there were a little more than one-third of us here in the Senate who would have voted to uphold a veto.

The ranks of those who would have upheld the veto have become somewhat thinner with the passage of time. It may well be that after the 1954 election we will be still fewer in number, because we well know the opposition which may come to many of us in the 1954 election. But as long as we are Members of the Senate, even though our numbers are reduced, we shall continue to struggle for what we believe to be the interest of the country as a whole. I say this without any reflection whatever upon the character or motives of those who hold a different point of view.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I know what the Senator says is said in all good conscience, high principle and sound morals, and I accord that kind of an

attitude always to the Senator from Illinois.

Mr. DOUGLAS. I thank the Senator.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the Senator from Texas.

Mr. DANIEL. I also thank the Senator from Illinois for the fair statement he has just made. There is only one point in his remarks to which I should like to call attention, namely, I should like to know whether the Senator from Illinois has any evidence whatever that members of the oil industry prefer the so-called Holland bill over the Anderson bill. The only evidence along that line I have seen, and the only thing I have heard from any members of the oil industry, is that they would prefer a bill similar to the Anderson bill, which would take care of the entire Continental Shelf, rather than the bill sponsored by the Senator from Florida [Mr. HOLLAND] and myself, and other Senators, which would take care of just the historic limits. So I ask, does the Senator have any evidence whatever that they prefer the Holland bill over the Anderson bill, which the Senator from Illinois supports?

Mr. DOUGLAS. I have not investigated that subject, and I would not go into a court of law and testify to that effect, but I had some connection with the last political campaign, and I know that the question involved in this debate was a great issue in the State of Texas, and to some degree in the State of Louisiana, and from my knowledge of the group which was putting up money for the Republican Party and the candidate of the Republican Party, I can say that I certainly think that there was a very close association between the big oil interests and the campaign of the candidate of the Republican Party. Of course, I am not saying that the candidate of the Republican Party was influenced by the contributions made. He is a highly honorable gentleman. I just lament that he made the premature commitment he did make. I am very sorry.

I congratulate the Senator from Louisiana for holding high the banner of the Democratic Party, not only at the convention, but in the very difficult circumstances which he faced in Louisiana, and in which he was successful in holding Louisiana within the Democratic Party by a narrow margin. But if the Senator from Louisiana would ever let his hair down upon occasion—and it is not too long—I believe he would say that one reason why the big oil groups supported Governor Kennon and the Eisenhower Democrats in Louisiana was because they believed that if there were a Republican victory they would stand a much better chance of passing Senate Joint Resolution 13.

I was about to say, if the Senator disagrees with that, let him rise and say so, but that would be putting him to an improper test.

Mr. LONG. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the Senator from Louisiana.

Mr. LONG. The position of the junior Senator from Louisiana in his State was that the Republican platform was far more favorable than the Democratic platform insofar as the particular issue now being discussed was concerned. His support of the Democratic Party was based on the fact that there were many other issues involved in addition to this one, and also partly on the fact that he believed the figures, in terms of what was involved, were exaggerated. He believed, as he told the people of his State, that if anyone had the idea that the State would become enormously wealthy if the Holland joint resolution were enacted, they would be greatly surprised when they saw the effect the measure would have.

Furthermore, the Senator from Louisiana believes that the oil interests of his State were influenced, by and large, not by one issue alone, but by many issues, and just as the Senator from Louisiana was influenced by many issues, he believes there was much more than the tidelands oil issue that would tend to influence the oil and gas interests to be on the side of the Republican candidate in the race.

Mr. DOUGLAS. Mr. President, this debate seems to touch off all kinds of side explosions, and it is not my purpose to take the issues involved down side lanes, but to proceed to a discussion of the merits of the joint resolution with a minimum of discussion of motives.

Mr. President, I have said that the advocates of the giveaway bill, if they are to be consistent, should therefore call their program "state socialism." There is no difference in theory on this point between one level of government or another administering the leasing of these submerged lands. If one is "national socialism," the other is "state socialism." In fact, neither program would be socialism. For the actual conduct of the industry in both cases would be in private hands, and I want to make it clear that this is where I and others who adopt a similar position would have them.

The question simply is who is to have the paramount rights in these national resources which everyone agrees are not privately owned, and who is to get the royalties from them? Should it be the 159 millions of Americans as a whole or the limited number of people in the 3 or 4 coastal States in question.

To ask this question is to answer it. The rights of the Nation and of the people as a whole should be paramount and controlling.

3. RIGHTS OF STATE LESSEES PRESERVED

A third argument which has been advanced, which was brought to the Senate floor today, curiously enough, is that the private oil interests which in some cases have made large investments in developing offshore wells under State leases should not have these investments swept away by the Federal Government's assuming title to or paramount rights over the submerged lands.

We would all agree with the justice of this contention, and as a matter of fact nothing of the kind is proposed by those of us who favor Federal control.

On the contrary, the Anderson bill, S. 107, specifically provides in section 1, that holders of leases from the States shall have the same rights continued by the Federal Government. Thus after defining in section 1 (a) the qualifying types and conditions of the various State leases on the submerged lands, section 1 (b) goes on to guarantee that—

> Any person holding a mineral lease which comes within the provisions of subsection (a) of this section, as determined by the Secretary, may continue to maintain such lease, and may conduct operations thereunder, in accordance with its provisions for the full term thereof and of any extension, renewal, or replacement authorized therein or heretofore authorized by the law of the State issuing such lease: *Provided, however,* That if oil or gas was not being produced from such lease on or before December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing * * * such lease.

In other words, not only are all private leases from the States where production or drilling is under way to be confirmed, but also the same period of extension to private parties is to be given under Federal control for leases where drilling and exploration have not yet begun, as would be the case under the existing State grants.

This shows how unfounded is the frequently repeated charge, which I am sorry to say the junior Senator from Texas partially fostered today, namely, that the real forces behind Federal control are the applicants for Federal leases who are hoping thereby to acquire for little or nothing the rights which hitherto have been granted to others by the State. Nothing could be further from the truth. The existing lessees under the Anderson bill, Senate bill 107, will have all their rights continued and carried over by the Federal Government.

This is another case of where people are being agitated by utterly unfounded fears. These fears should be set at rest.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from Illinois yield to the Senator from Texas?

Mr. DOUGLAS. Yes, Mr. President; I am glad to yield.

Mr. DANIEL. The Senator from Illinois says that nothing could be further from the truth. Is the Senator from Illinois familiar with the record which has been made here, which shows that former Secretary of the Interior Ickes himself said that the reason why he changed his mind and his former opinions about State ownership of these lands was the insistence—and now I am quoting his own words—"the insistence of Federal lease applicants and their attorneys."

Is the Senator from Illinois aware that that is the activity which started the fight to take over these lands for the Federal Government?

Mr. DOUGLAS. Let me say that Harold Ickes was a very dear personal friend

of mine and a political associate of mine; I owe him a great deal, and I reverence his memory. However, I do not hold to all the points of view of Harold Ickes.

What I was saying for myself, the Senator from New Mexico, and all others who support the Anderson bill, was that we specifically bar such action and protect State lessees; and Senators should judge our intentions by what we do, not by what certain of our friends and associates sometimes have advocated.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield to me at this point?

Mr. DOUGLAS. I yield.

Mr. DANIEL. I think the Senator from Illinois is mistaken about what the Anderson bill provides. As I recall, it contains a provision to the effect that this bill shall not in anywise affect any rights which might be vested in anyone; and that provision is included in order to take care of the applicants for mineral leases or others who may have vested rights.

I see that the Senator from Florida [Mr. HOLLAND] is about to turn to the Anderson bill on that point.

Mr. ANDERSON. Let us refer at the same time to Senate Joint Resolution 13.

Mr. DANIEL. Is it not true that both the Anderson bill and the Holland resolution, Senate Joint Resolution 13, contain provisions which would preserve the rights of these Federal lease applicants to present their claims in the courts of the land? Is not that correct?

Mr. ANDERSON. If the Senator from Illinois will yield to me, I will say that I could not follow those last words at all. But the only provision of that sort in Senate bill 107 is almost word for word with the corresponding provision of Senate Joint Resolution 13. That provision is included because lawyers who are competent—I myself am not a lawyer—tell me that these rights simply cannot be taken away by law, but that it is wise to include a saving clause, so that whatever rights those persons may have will be taken care of.

Whatever provision is included at that point, was included, not at the request of a single permittee, but at the request of good lawyers, both on the committee and off the committee.

Mr. DANIEL. Mr. President, will the Senator from Illinois yield to me, to permit me to ask a question of the Senator from New Mexico?

Mr. DOUGLAS. Certainly.

Mr. ANDERSON. Yes.

Mr. DANIEL. I am not being at all critical of the Senator; I was simply challenging the remark of the Senator from Illinois that the Anderson bill specifically prohibits these Federal-lease applicants from prosecuting their claims to their leases. That is not true, is it?

Mr. DOUGLAS. Referring to my text, I believe I said that the rights of private lessees from the States were protected.

Mr. DANIEL. But did not the Senator from Illinois also say that the Federal lease applicants were barred under the Anderson bill? That is exactly what I understood the Senator from Illinois to say.

Mr. DOUGLAS. What I said was——

Mr. DANIEL. Perhaps that statement is contained in the printed text of the remarks of the Senator from Illinois.

Mr. ANDERSON. Mr. President, I am not saying what is or what is not included in the text. I simply say that a person in the position that I am in had better take the advice of a good lawyer. The general rule is that when a layman depends upon himself to serve as his own lawyer, he has a fool for a client.

This language was suggested by very good lawyers, including the distinguished junior Senator from Oregon [Mr. CORDON], who seemed to agree with me it is possible these claimants will be thrown out of court the first day the court has a "crack" at them.

If some of these claimants did anything at all they filed on a known geological structure; and I believe that those who did that will be thrown out of court the first day.

But I do not want the law to be claimed to be unconstitutional because someone has done something improper about the chances of these claimants. However, I tried not to give them an unfair advantage. An examination of the language which was originally suggested will show that it looked to be unfair.

So we struck it out, and tried to give these permittees, not an unfair or undue advantage, but only what every member of the committee conceded was fair; and I believe the Senator from Texas voted for it.

Mr. DOUGLAS. First, Mr. President, I should like to clear up the statement made by the Senator from Texas. He has pointed out that I stated that all claims to Federal leases were barred under the Anderson bill. A hasty reference to the reporter's notes reveals he is quite correct in this statement.

My remark was inadvertent and not in my prepared text, and I appreciate his correction in order to set the record straight. The Anderson bill does not bar such claims.

To clarify my main argument on this point, at this time I should like to reread from my manuscript, beginning at the top of page 33:

> In other words, not only are all private leases from the States where production or drilling is under way to be confirmed, but also the same period of extension to private parties is to be given under Federal control for leases where drilling and exploration have not yet begun, as would be the case under the existing State grants.
>
> This shows how unfounded is the frequently repeated charge that the real forces behind Federal control are the applicants for Federal leases who are hoping thereby to acquire for little or nothing the rights which hitherto have been granted to others by the State. Nothing could be farther from the truth. The existing lessees under the Anderson bill, Senate bill 107—
>
> And I meant lessees from the States—
>
> will have all their rights continued and carried over by the Federal Government.

It is true that all claims of applicants for Federal leases are allowed to remain in their present status, because a contrary provision might be said to constitute confiscation of property. As I understand it, such persons are allowed to have a chance, to have their day in court. But their day in court will be severely restricted by the terms of the Anderson bill, which confirms the leases of the lessees from the States.

So where there are conflicting claims, as I understand it, the Anderson bill shows the intention of Congress to give primacy to the lessees from the States.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield at this point?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. I am glad the Senator from Illinois has cleared up that point, because I am sure the Senator from Florida [Mr. HOLLAND], the Senator from Texas [Mr. DANIEL], and all other Senators were in agreement that we did not wish to give these persons any rights or extinguish any of their rights. In both measures we are simply trying to say that if they have any rights, the measure does not wipe them out. But I believe the language of both Senate Joint Resolution 13 and Senate bill 107 are almost identical on this point.

Mr. DOUGLAS. Mr. President, to continue, let me say that this is another case of where people are being agitated by utterly unfounded fears. These fears should be set at rest.

4. HOLLAND RESOLUTION NOT ESSENTIAL TO PROTECT RIGHTS IN DOCKS, FILLED-IN LANDS, ETC.

Mr. President, when I prepared the manuscript I dealt only with three arguments advanced in favor of the Holland joint resolution. I frankly admit that at that time I had not fully considered the claim of the Senator from Florida that the Anderson bill was defective in the protection it gave to the private owners who wished to fill their land which faced the open sea. I tried to cover that point yesterday, during the course of my remarks.

I would refer the student of this debate—and I think this debate will be studied—to that point; but I should like to remind the Senate that, under the Anderson bill, title to all land filled in in the past, whether done by private owners or by public bodies, and whether on inland waters or on the open sea, will be confirmed and approved; secondly, that all public bodies and private persons who fill in land on inland waterways in the future will have their titles approved; third, that all public bodies which carry out future filling or reclaiming of land for public purposes will have their title approved; fourth, that in the cases of private persons filling land in marginal waters on the open sea, the Chief of Engineers will issue authorizations to them, and within 2 years must submit a general program to Congress.

I have stated that it is quite possible the Anderson bill does not go far enough on the latter point. I said that although I had not had a chance to consult with the junior Senator from New Mexico [Mr. ANDERSON] and although I could not bind him or the other sponsors of his bill, yet so far as I personally was concerned I would be willing to consider a limited and guarded delegation of power to local government, so that it would not be necessary to make application to the Corps of Engineers, although

of course the Corps of Engineers has district offices.

The main reason why we wish to have some Federal supervision is to make sure that Federal property will not be appropriated wantonly by private persons, that other existing rights will be protected, and that navigation will not be obstructed. But personally I would be willing to agree to carefully guarded language which would delegate some authority to the States and to civil subdivisions thereof in connection with filled-in land facing the open sea, provided that navigation could not be interfered with, and provided further that general supervisory authority over the decisions of local governmental bodies could still be had by the Corps of Engineers.

I do not know whether the Senator from New Mexico would agree with that. In the heat and flurry which have prevailed, I have not had time to consult with him. I may have gone too far, but I do want to say it is our earnest desire to meet every legitimate objection.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ANDERSON. In the discussion which took place yesterday, I tried to express my conviction that there was sufficient language for the present, with respect to the program of the Corps of Engineers, and that when we needed additional language it would be ready. I do not believe it to be advisable that any private person should undertake building piers out into the ocean, thereby impeding navigation, without approval by the Corps of Engineers.

Mr. DOUGLAS. I agree.

Mr. ANDERSON. Mr. President, the distinguished Senator from Florida, as shown at page 2879 of yesterday's CONGRESSIONAL RECORD said:

> I am wondering if the distinguished Senator from New Mexico can point to one single expensive pier which has been built since 1947 anywhere on all the 5,000 coastal miles of the United States.

Of course, some of us recognize that steel has been at a premium for a good long time since 1947, and that certain types of construction were not permitted by the Government.

Mr. President, I believe that an article in the New York Times of Friday, April 10, 1953, might be of some interest. It is found on page C-30. It begins:

> EIGHT MILLION TWO HUNDRED AND SEVENTY-SIX THOUSAND DOLLARS IS VOTED FOR HOBOKEN PIERS—PORT AUTHORITY APPROVES FUND TO START WORK ON NEW DOCK AND REPAIRS TO OLD ONES
>
> The Commissioners of the Port of New York Authority appropriated $8,276,000 yesterday for the first stage of construction and rehabilitation of its Hoboken piers, leased last October from the Maritime Commission.
>
> The money will be used to construct a new finger-type pier and to modernize old piers and related facilities. Construction is to start late this summer, and the improvements are to be completed in 1955.

So that here is one group that is not so frightened that it is not willing to go ahead with a little building. I think there may be other such groups.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. HOLLAND. Is the Senator from New Mexico so confused geographically that he is trying to place the location referred to in the article in the coastal belt off the State of New Jersey?

Mr. ANDERSON. No. I may say to the Senator that at Crescent City, Calif., a breakwater was begun in 1949. I am reminded of a situation in Boston, where some citizens, because of their fears, would not approve certain construction work, but when they were confronted with the buildings, they changed their minds.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Vermont [Mr. FLANDERS], without losing my rights to the floor, for such period of time as may be granted him by dispensation.

The PRESIDING OFFICER. Is there objection?

Mr. SALTONSTALL. Reserving the right to object, I should like to inquire of the Senator from Vermont how long he intends to speak?

Mr. FLANDERS. I would say respectfully, to the very respectable Senator from Massachusetts, that I will not exceed 5 minutes, and shall probably take less than that.

Mr. SALTONSTALL. Under those circumstances, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(Mr. FLANDERS addressed the Senate on the subject Meeting the Soviet Challenge. His remarks appear at the conclusion of the speech of Mr. DOUGLAS.)

VII. FURTHER LEGAL ISSUES AND THEIR POSSIBLE DELAYING EFFECT UPON DEVELOPMENT

Mr. DOUGLAS. Mr. President, I shall now take up the seventh major point in my speech, which has to do with some further legal issues and their possible delaying effect upon development.

It is frequently argued that we should turn the submerged oil lands over to the three or four coastal States in order that the oil may be speedily developed. This is, however, doubtful, for even if all legal controversies were waived, the Department of the Interior can probably move as swiftly as can the States.

But, upon analysis, it will be seen that if Congress tried to turn these submerged lands over to the States, it will in fact create more legal problems than it will solve. Such a measure may create a legal tangle that will take many years to unsnarl. Under this bill it is not clear when, if ever, the States can start granting clear leases. In the meantime, the development of these resources will be stopped.

It would seem wiser, therefore, for the oil industry to proceed under Federal control, where by three successive decisions, the Federal rights have been firmly established and where their own private rights will be fully preserved, than to take the chance of putting their heads in a series of legal nooses, which I shall now briefly describe.

1. THE POSSIBLE ABUSE OF TRUST

We have pointed out that the Holland bill is in essence a giveaway program. It would take what is now the property of all the States and of all the people and give it to a very few States. Does Congress have the constitutional and legal power to do this? In able letters to the New York Times and the Washington Post two eminent legal scholars, Roscoe T. Steffen and Charles Collier, have argued that Congress is the trustee or guardian of such national assets for all the people of the United States. They contend that for Congress to alienate and give away this property to specific States without receiving an adequate consideration in return or serving some clear public purpose for the other 45 States and for the people of the country as a whole, is a breach of trust, which can later be revoked by the Supreme Court.

I ask unanimous consent that these letters may be printed at this point in my remarks.

The PRESIDING OFFICER (Mr. FLANDERS in the chair). Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

[From the New York Times of February 25, 1953]

TRANSFERRING OFFSHORE LANDS—AUTHORITY OF CONGRESS TO DISPOSE OF PUBLIC LANDS IS QUESTIONED

To the EDITOR OF THE NEW YORK TIMES:

It seems to be generally assumed that Congress may dispose of the vast offshore oil reserves belonging to the United States in any way that it sees fit. But, in spite of the broad wording of article III, section 2, of the Constitution, by which Congress is given power to dispose of the territory or other property belonging to the United States, it is believed that this is not necessarily true. There are definite limitations on what Congress may properly do.

Perhaps a business analogy will make the point clear. It is usual in corporation charters or bylaws to give the board of directors broad powers to manage the affairs of the business, including, of course, the power to buy and dispose of property. But nothing is better settled, in spite of the generality of these charter provisions, than the point that directors have no power to cede or hand over corporation property to a particular shareholder without compensation, though it has often been tried under one disguise or another. Corporation assets are said by the courts to be held in trust for all of the shareholder.

So too, the courts have said, over and over again, that United States property is held in trust for all the people. In *Light* v. *United States*, for example, Mr. Justice Lamar quoted the accepted text: "All the public lands of the Nation are held in trust for the people of the whole country." He then went on to say: "And it is not for the courts to say how that trust shall be administered. That is for Congress to determine."

POWERS OF CONGRESS

In other words, Congress is given the widest discretion as to how it shall administer its trust on behalf of all the people, but it is given no warrant whatever, quite apart from any question of possible judicial review, to abandon or disregard its trust in order to prefer some particular State or States, or certain private interests, when there is no national interest to be served.

The much relied upon statement of Mr. Justice Black in the California oil lands case, that the power of Congress under article III, section 2, is "without limitation," does not, when fairly examined, state anything to the contrary. That language was used merely in support of the Court's incidental holding that the Attorney General had appropriate

congressional authority to bring the suit then before the Court.

In that respect, that is, to further the public welfare, Congress was said to have complete power. The justice did not say that Congress could give away land contrary to the national interest, or anything of the sort.

Strangely enough, no one seriously pretends that it would be in the national interest today for Congress to hand over the offshore oil lands, worth unknown billions of dollars, for exploitation by particular States or private interests. Oil-rich Texas, least of all, can ask for such bounty at the national expense. Congress, of course, may properly lease or sell its oil rights at a fair consideration, since in that case the money received could in turn be used for the benefit of all the people, i. e., for education or to apply on the national debt. But a simple gift, as has been proposed, would be a plain breach of trust.

COURT RULING ON OIL

In fairness to Texas it does not ask for a gift. Its position, and that of certain Senators, is that the Supreme Court was simply wrong in ruling, as it now has done on three occasions, that the offshore oil lands do not belong to the coastal States.

Unfortunately for that contention we have a Government of coordinate powers, and it would be improper, if not indecent, for the Congress now to try to overrule the Court on a question of this sort. The offshore oil lands, to the edge of the Continental Shelf, therefore, must be understood to belong to the United States, insofar as title may be asserted to such property under international law.

But what this contention does make wholly clear is that the drive to give away these lands, falsely represented to the people as tidelands, does not stem from any purpose to further the national interest. The record is clear on that. It is a bare assertion of power to subvert the national interest in disregard of the fact that Congress is given no authority under article III, section 2, of the Constitution to play Santa Claus with the public lands.

The new administration must not forget that public property, no less than public office, is a public trust.

ROSCOE T. STEFFEN.

CHICAGO, *February 19, 1953.*

[From the Washington Post of March 10, 1953]

TRUSTEE OF TIDELANDS

The bills recently introduced in the United States Senate (S. 107 and S. J. Res. 13) providing for the transfer to the several States of the beneficial ownership of the lands lying under the marginal seas, heretofore judicially decided by the United States Supreme Court in a series of carefully considered opinions to belong at the present time as a matter of legal and beneficial ownership to the United States as the legal proprietor and not merely as the paramount sovereign, propose that the United States should perpetuate a plain and indefensible breach of trust in a legal sense, as well as in a moral sense.

As to the Louisiana controversy, everyone will realize at the outset that at the date when the United States by the treaty of 1803 acquired this entire territory from France, there was no State of Louisiana in existence. But the United States Government as a constitutional government did not by the Louisiana Purchase acquire unrestricted political power over this territory of Louisiana nor unrestricted property ownership of the lands therein, even if vacant and not theretofore appropriated by any of its inhabitants.

The true legal situation, at least during the territorial period, was described in apt language by Chief Justice Taney in his famous and much discussed opinion in the Dred Scott case, as follows:

"A power therefore in the general Government to obtain and hold colonies and dependent territories over which they might legislate without restriction would be inconsistent with its own existence in its present form. Whatever it acquires, it acquires for the benefit of the people of the several States who created it. It is their trustee acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted." (19 Howard 393 at 448.)

If this trust theory be once accepted, as I believe it ought to be, both on direct judicial authority and on ultimate constitutional principles, it seems clear that the proposed transfer of the ownership of the lands under the adjacent marginal seas to the exclusive benefit of the single State of Louisiana, which was itself carved out of the much larger territory included within the Louisiana Purchase, constitutes a direct and undeniable breach of that trust which was accurately defined by Chief Justice Taney as a trust for the common and equal benefit of the whole people of the Union.

Imagine a family settlement of valuable property to be held in trust by a designated trustee for the benefit of 48 beneficiaries corresponding to the present 48 States, nothing less than which could comprise the whole people of the Union.

And then imagine the trustee in our illustration proposing to transfer the trust property or any part of it without any compensatory consideration and without any beneficiaries. Would anyone seriously contend that this would constitute a legally permissible disposition of the trust property by the trustee in the case supposed?

The argument that the marginal lands under consideration are located within the historic boundaries of particular States, even if true, does not affect or alter the trust character of the legal ownership of these lands and properties by the United States.

If we may rely on an essentially similar but less controversial and better understood case, the creation of the State of Wyoming, its admission to the Union as a full-fledged State has never been supposed to involve or justify a transfer by the United States of its proprietary ownership of the Teapot Dome area or of the lands lying within Yellowstone National Park to the newly created State. How would any serious citizen evaluate a new congressional proposal brought forward in 1953 to transfer without compensation these immensely valuable United States properties, actually located within the physical boundaries of Wyoming, to the State of Wyoming as proprietor for exclusive use and enjoyment and profitable exploitation by that State or its people alone?

And would anyone actually regard such a transfer as a return to the people of Wyoming of properties that justly belonged to them alone or to their State government alone, merely because the properties are now located entirely within Wyoming's historic boundaries?

CHARLES S. COLLIER,
Professor of Law, the George Washington University.
WASHINGTON.

Mr. DOUGLAS. Mr. President, in this connection it is appropriate to recall again the following statement from the opinion of the Supreme Court in *Illinois Central Railroad* v. *Illinois* ((1892), 146 U. S. 387, 453), which seems equally true with respect to the Federal Government:

The State can no more abdicate its trust over property in which the whole people are interested, like navigable waters and soils under them, so as to leave them entirely under the use and control of private parties, except in the instance of parcels mentioned for the improvement of the navigation and use of the waters, or when parcels can be disposed of without impairment of the public interest in what remains, than it can abdicate its police powers in the administration of government and the preservation of the peace.

If this argument should be upheld, it would appear to be as valid an objection to the attempted grant to the three coastal States of the right to "manage, administer, lease, develop, and use the said lands and natural resources"—section 3 (a) (2) of Senate Joint Resolution 13—as it is to the attempted transfer of title and ownership.

2. POSSIBLE INFRINGEMENT ON NATIONAL SOVEREIGNTY

Another basic objection to the grant of ownership and control of the oil and gas resources in the marginal sea to three coastal States may be raised. It will in all probability be claimed, and I believe with much reason, that the paramount rights and power of the Federal Government in this strip of offshore resources are incidents of our national external sovereignty. The reasoning of the Supreme Court in the California, Louisiana, and Texas cases relies strongly on this point.

I recognize the unqualified character of the constitutional grant to Congress of the "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States"—article IV, section 3, clause 2.

But the attempt to dispose of rights which are vested in the United States as an incident of our national sovereignty may be quite another matter. At least the able former Solicitor General, Philip B. Perlman, expressed serious doubts on this point. The theory of the three Supreme Court opinions in the offshore oil cases appears to support that doubt. And the recommendation of the present able Attorney General, Herbert Brownell, Jr., in connection with this legislation also seems to recognize the serious constitutional question involved.

I shall not express an opinion on these two contentions. It can be left up to the courts. But I think the advocates of the giveaway program should realize that the constitutional grounds for their action may be very shaky and that they may not be able to open these oil and gas fields for development as quickly as they expect. Already the State of Rhode Island, through one branch of its legislature and Governor, has served notice that it intends to contest such an alienation of its rights.

I predict that Rhode Island will be before the Federal courts on this matter very quickly, and that while the case is in the courts the development of these lands will be tied up.

3. WHAT CAN THE FEDERAL GOVERNMENT GRANT?

Now assuming that these first two legal objections are overruled, there is another legal point which needs to be noted very carefully. Can the United States grant to a State greater and more extensive rights in the territorial sea than it has claimed from other countries under international law?

As we have seen, it was Jefferson who first asserted American national rights

over the territorial sea, which he set at 3 geographical miles. The United States has consistently advocated this 3-mile limit, but so far as the waters are concerned, we have never asked for more. It has indeed strenuously opposed the claims of other nations to a zone of more than 3 miles. Largely as a result of American opposition, we forced England to reduce her claims back to the 3-mile limit. At one time we forced them even within the 3-mile limit.

Largely because of American argument and example, the 3-mile zone has by now been adopted by most nations. Writing in 1930, Mr. S. W. Boggs, then and I believe still the geographer of the State Department, pointed out that four-fifths of the shipping of the world was "conducted by nations which regard 3 nautical miles as the width of territorial waters."

The 4 Scandinavian countries, however, claim 4 nautical miles as the width of the territorial waters while certain Mediterranean countries claim 6 miles. Mexico, under President Cardenas, claimed 9. Texas may indeed have derived her claim to 9 nautical miles, namely, 3 leagues or 10½ land miles, from an earlier Mexican claim.

If we delve deeply enough into the history of these claims by Texas and Florida, we may find they have a Spanish origin.

I have here, Mr. President, some paragraphs which I wrote prior to yesterday, when I had a colloquy on this point with the Senator from Florida [Mr. HOLLAND], who questioned some of the facts. I now make these statements subject to revision as the facts may later be revealed, and I wish to quote from a special article published in the New York Times, in its issue of February 18, 1953, from Mexico City, dated February 17.

My statement is in accordance with the statement in the New York Times. There is a sardonic element in the fact that the Mexican Government has recently been picking up American shrimp boats, most of them from Texas, Louisiana, and Florida, and jailing their crews. These men, according to the New York Times for February 28, 1953, apparently operate between the 3- and the 9-mile limits. Since our Government has never recognized the right of Mexico to impose a 9-mile limit, we naturally do not like this policy of the Mexican Government. We want to protect our shrimp fishermen between the 3- and 9-mile limits. But it will be difficult if not impossible for us to protect them against the Mexican Government appropriating a 9-mile zone, if we give such a zone in the submerged lands to Texas and to Florida, to say nothing of our opening the door to an extension of their ownership still further under the sea. Grave difficulties would also be created for Americans fishing on the Grand Banks of the coast of Newfoundland.

I quote now from the New York Times article:

> Most of the 300 Florida and Louisiana shrimpers who, the Mexicans say, have been marauding in their waters apparently operate between the two lines, although some of them have fished within the 3-mile limit and even entered bays, river mouths, and ports.

The two lines referred to in the quoted paragraph are the 3-mile and 9-mile lines and are described earlier in the same article.

I pass the press clipping to the Senator from Florida [Mr. HOLLAND], so that he may see that I have not overstressed the story which appeared in the Times.

FISHING RIGHTS ALSO ENDANGERED

I notice on the floor the whip of the Republican Party, the distinguished senior Senator from Massachusetts [Mr. SALTONSTALL]. Although he is engaged at the moment in other business, I should like to call his attention, if I may, to a sentence in my statement.

I may say to the Senator that, as a boy from the upcountry of New England, I would on occasion go to Boston and there I would see the sacred codfish hanging over the State House, in which the distinguished Senator from Massachusetts presided so excellently as governor for a period of time.

I still seem to have difficulty in getting the attention of the senior Senator from Massachusetts, but I shall continue to try to attract his attention, in the hope that I may be able to catch his eye.

As I was saying, when I was a boy, I occasionally came down from Maine to Boston. I frequently went to the State House, on Beacon Hill, and looked at the dome which was designed by the great architect, Bullfinch, and which remains as an ornament and a monument to that great architect.

In the State House I would find hanging the sacred codfish, indicating the degree of prosperity which Massachusetts had achieved.

Mr. SALTONSTALL rose.

Mr. DOUGLAS. I have been seeking to command the attention of the Senator from Massachusetts on the point I am about to develop. Since he has now risen, I will send to him a copy of my speech and say that I am about to discuss a point on page 36.

I notice that the junior Senator from Massachusetts [Mr. KENNEDY] is also in the Chamber. That is marvelous. I will ask him, also, to look at page 36. I am sure that when he looks at that page, we will have no difficulty with the junior Senator from Massachusetts with respect to the issue now before the Senate. I hope now that the senior Senator from Massachusetts also will join us in opposition to the Holland joint resolution.

What I am pointing out is that a large part of the prosperity of Massachusetts in the past was based upon fishing, which may be seriously jeopardized if the Holland resolution is passed.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. KENNEDY. I was about to ask the Senator a question with reference to the fishing industry. Some of those engaged in the fishing industry in New England have been concerned about the effect of the action proposed by Texas and other States in pushing their boundaries far out to sea. Such action would affect the rights of the fishermen of New England to fish off the banks of Newfoundland, upon which they depend so much for their livelihood. I wish to ask the Senator if he would comment on that phase of the matter in his discussion.

Mr. DOUGLAS. I am very glad the Senator from Massachusetts has concerned himself with the fishermen of Marblehead, who go forth and risk their lives on the deep, as was described by Pierre Loti in his Iceland Fisherman, and who suffer great dangers off the Grand Banks from fog and storm.

If we allow Texas and Florida to extend their boundaries to the 3-league limit, or to the edge of the Continental Shelf, what is to prevent Newfoundland from taking the Continental Shelf or extending her limit 9 miles out, and, barring from that region the fishermen of Marblehead? The Marblehead boats might then rot in the harbor at Marblehead, and the fishermen and their families might starve.

Mr. KENNEDY. I might include also the fishermen of Boston and Gloucester.

Mr. DOUGLAS. Yes; and also of New Bedford. The junior Senator from Massachusetts does well to become exercised over the Holland joint resolution. I believe the joint resolution would get us into all kinds of trouble with the fishermen. I am delighted that the junior Senator from Massachusetts has raised the point of protecting the sacred codfish and those who derive their livelihood from it, and upon which the prosperity of Massachusetts very largely depends.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. KENNEDY. I have received a letter from Mr. Patrick McHugh, secretary-treasurer of the Atlantic Fishermen's Union, in which he says:

> We feel that any bill put through Congress changing our historic policy of the 3-mile limit would adversely affect this country as past experience proves very clearly that foreign nations would be only too glad to use such a law as an excuse to extend their own boundaries far beyond the 3-mile limit. As the West Coast has pointed out in their briefs, if we extend even 1 inch other countries can go just as far as they want to.
>
> The fishing industry is having enough trouble now without taking any chances on any more restrictions.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at the moment, for I want to play an obligato on the comments made by the Senator from Massachusetts [Mr. KENNEDY].

Jefferson had this point in mind when he provided for the 3-mile limit. He was not merely interested in limiting the United States to 3 miles; he was also interested in limiting Great Britain to 3 miles, so that the fisherman of Massachusetts could not be barred from making a living on the high seas off Newfoundland.

As the junior Senator from Massachusetts has well pointed out, if this boundary is extended, Massachusetts fishermen and, to a lesser degree, Maine fishermen are going to have great trouble in catching codfish and other fish off the Grand Banks. Fishermen on the Pacific Coast may get into some trouble around the Bering Straits and Alaska, because there we have an international boundary there which is very volatile.

Mr. KENNEDY. I think it is important not only to the fishermen but to related industries. For example, three-fourths of the people of the city of Gloucester depend upon the fishing industry. Therefore, this matter is of tremendous importance not only to those who fish, but also to the related industries.

Mr. DOUGLAS. The junior Senator from Massachusetts is absolutely correct. I hope my good friend, the distinguished senior Senator from Massachusetts [Mr. SALTONSTALL] who, as he moved into the statehouse each day, saw that sacred codfish hanging inside, will be impressed with the danger to which those who go down to the sea in ships and fish for codfish, will be exposed by the passage of the Holland joint resolution.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. Under the joint resolution, what would be the position of the Diomedes Islands, in the Bering Straits, separated by a mile and a half of water, one island being owned by the Soviet Union, and the other being owned by the United States?

Mr. DOUGLAS. I shudder to think of what might happen if the same doctrine which the Holland joint resolution would put into effect were applied by other countries to the straits of the world which have hitherto been internationalized.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. No, not at the moment.

What would happen to the Straits of Gibraltar? What would happen to the Bering Straits? What would happen to the English Channel? What would happen to the Skagerrak? What would happen to the Red Sea, to the Straits of Aden, to the Strait of Malacca, or to the two Diomedes Islands, to which the Senator from Montana [Mr. MANSFIELD] has, in such erudite fashion, referred?

If the countries adjoining those straits were to act to extend their boundaries by following the claims of Texas and Louisiana, incalculable damage would be worked not only to other nations of the world, but also to this country. For example, the Soviet Union could do the United States tremendous harm by asserting such rights in the Bering Straits, which separate Siberia from Alaska.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. HOLLAND. I wish to call the attention of the distinguished junior Senator from Massachusetts [Mr. KENNEDY] to the fact that the officer of the fishermen's union in Massachusetts apparently has not brought his point to the attention of the officials of the State generally. I find in the record, for example, on page 365, a letter from the Mayor of Boston, Hon. John B. Hynes, ending with the sentence:

> Federal legislation is urgently needed to quiet the title to these lands—

He is speaking of lands off the shore of Boston—

> and I trust that your honorable committee will recommend the passage of such legislation by the present Congress.

Furthermore, if the Senator will look at page 110 of the record, he will find printed information as to the officials of Massachusetts who have appeared and testified from time to time in behalf of this and other similar measures, beginning in 1939 with Daniel J. Doherty, assistant attorney general; in 1945, Clarence A. Barnes, attorney general, and Hirsh Freed, assistant corporation counsel of the city of Boston; in 1946, Ernest W. Barnes, department of conservation; George Leary, special assistant corporation counsel, Boston; Grant E. Morse, Randolph A. Frothingham, and Glenn G. Clark, selectmen of Salisbury; and concluding in 1948 with Nathaniel B. Bidwell, special assistant attorney general, and George Leary, special assistant corporation counsel of the city of Boston. This testimony was supplemented this year by the appearance again of Mr. Nathaniel B. Bidwell, who strongly supported the joint resolution at the hearing.

As further information, I think the Senator from Massachusetts could properly—and I hope he will—write his constituent that if any States receive boundaries reaching 3 leagues into the ocean, it will not be because of this joint resolution, but because of proper legal action taken by the Congress of the United States in 1845 in the case of Texas, and in 1868 in the case of Florida; and that nothing in this joint resolution extends or confirms the boundaries of either of those States. The joint resolution, in equity and fair dealing, merely recognizes their rights to be heard upon the long-existing status and provides that nothing in the joint resolution shall destroy such rights.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. KENNEDY. I read Mr. Bidwell's statement, and the letter from Mr. Hynes, the mayor of Boston, and then communicated with the mayor of Boston.

In the first place, I do not think the mayor is quite accurate when he says that there has been some cloud upon the title to buildings and properties erected on the so-called filled-in areas.

I communicated with distinguished attorneys of Boston. Claims are filed every day, and there is no reasonable doubt about the right of the people of Boston to those filled-in lands. The mayor wrote me a letter stating that all he was concerned about was reenforcing the right of the city of Boston. He stated that he was not concerned with the entire question of the 3-mile limit.

I think this right could be reaffirmed by the passage of the bill introduced by the Senator from New Mexico [Mr. ANDERSON], which would reaffirm the rights of cities such as Boston to the so-called filled-in land, but it would not be necessary to go as far as the Holland measure does to correct that situation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Inasmuch as the Senator from Massachusetts was not present when I made the same point earlier, I will say to him that it seems to me and to many others who have expressed themselves on this point that simply to confine corrective action with respect to what is undoubtedly a serious and difficult problem to correcting the problems of Boston, New York, Long Island, Miami Beach, Daytona Beach, and numerous other developed coastal communities, without recognizing the fact that some of the States do not have such shorelines as to make them susceptible to such development, but have rights of another kind entirely, and to leave out those States from the recognition which they are asking—as are the good mayor of Boston, the attorney general, and the conservation officer of the State of Massachusetts for the correction of their difficulties—would be discrimination of the rankest kind.

The Senator from Florida has never been willing for a moment to surrender to the suggestion that merely because his State does not have any oil offshore, so far as has been determined after the expenditure of many millions of dollars, he should be satisfied with having Florida's problems corrected—problems which run into many millions of dollars along the coast of Florida—by joining with those who seek to refrain from correcting the problems of the States which are not so fortunate as to have great developed communities such as Boston, Miami Beach, and Los Angeles, but which nevertheless have property rights which are very dear to them, and possibilities of development which involve the question of whether they are ever going to be developed. We believe that in justice and fair dealing their rights should be recognized at the same time that we recognize the rights of the city of Boston, which certainly is within its rights in asking for this remedial action.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. KENNEDY. I do not think the mayor of Boston means to endorse the Holland joint resolution. I think he is concerned—and I believe necessarily and entirely so—with respect to the filled-in lands of Boston. In my opinion, there is no question with respect to the title. But if he does want to be reassured, I believe it could be done through the Anderson bill, and that we would not have to take action on the Holland measure. I do not believe that the mayor of Boston, in his concern, means to endorse the Holland joint resolution, but only to express his desire that some action be taken with respect to the filled-in lands.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I shall be glad to yield, but it is now a quarter past 4. I have completed today about 14 pages in slightly less than 4 hours. I should like to finish. I have now occupied the floor for 10 hours. While I am good for another 10, 20, or 40 hours, I should like to be able to finish tonight, because I believe many other Senators have very valuable contributions to make.

If the Senator from New York really wishes me to yield to him, I am glad to do so.

Mr. LEHMAN. Mr. President, I congratulate the distinguished Senator from Illinois on making what I think is one of the finest and most magnificent speeches I have heard since coming to the Senate. I fully sympathize with his desire to complete his address. Therefore I withdraw my request.

Mr. DOUGLAS. I thank the Senator from New York. That is high praise indeed.

In fact the Holland measure may raise grave constitutional questions as to whether the National Government can give rights to the States which it has not claimed for itself by negotiation with foreign governments and which it is explicitly seeking to prevent foreign governments from successfully asserting.

Once again let me make it clear that I do not know what the answers would be to such questions. But I can readily see that such a question may well be raised and if it is, then long delays and uncertainties are likely to follow upon the passage of the Holland joint resolution before these offshore resources can be extensively developed. In the process American industries and interests may be severely injured.

4. POSSIBLE INTERSTATE AND INTERNATIONAL CONFLICTS, IF THE PRINCIPLE OF EXTENSION OF STATE JURISDICTION TO THE EDGE OF THE CONTINENTAL SHELF IS PUSHED

I should also like to point out some of the interstate conflicts which are likely to take place if the open-door principle of the Holland measure is accepted either now or later. Thus if Texas extends its boundaries eastward to the edge of the Continental Shelf, there may be an area of conflict with Louisiana as that State extends its control southward. Similarly there may be a conflict between Louisiana and Mississippi and probably other interstate disputes as well.

The remarks by the Governor of Louisiana about the State of Texas indicate a certain degree of bitterness of feeling between those two States which might be intensified and heightened by the dispute as Texas moved eastward and Louisiana moved southward. We might then have a situation in which an irresistible force would meet an immovable object. What would happen under such conditions, with those two vigorous States mapping out conflicting jurisdictions?

International quarrels will also tend to spring up. Cuba and Mexico are also likely to assert their claims to go to the edge of the Continental Shelf. Why indeed should we expect them to hold back if the several States are encouraged to go to the very limit? This may well bring Cuba into conflict with Florida and Mexico with Texas.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Louisiana.

Mr. LONG. I wish to inform the Senator that the argument about Louisiana moving southward and Mississippi moving eastward has been resolved. If the Senator will look in the law volumes behind him, he will find the case of Mississippi against Louisiana, in which the Supreme Court fixed the line.

Mr. DOUGLAS. I am delighted, but I am looking for trouble with Mexico and Cuba, and we may find Cuba and Florida coming into conflict. This is a Pandora's box which the Senator from Florida is opening.

Mr. LONG. Mr. President, as a matter of fact, some Louisianians have attempted in court to test the Texas claim to a 3-league boundary.

Mr. DOUGLAS. I did not know that, but that is a foretaste of what is coming.

Mr. LONG. Some time back Louisiana enacted a law with regard to fishing licenses, respecting shrimp; and Texas adopted a similar law which seemed to discriminate in some respects against out-of-State fishermen. Our Louisiana fishermen protested against Texas applying that law within her 10-mile limit. The fishermen went to court, and the court held that the law was unconstitutional, and thus we never did get an adjudication as to whether the boundary was 10 miles out or not.

Mr. DOUGLAS. I did not know that, but that indicates that my forecast of difficulties was not purely theoretical, but was grounded on the fact that as Texas moves eastward and Louisiana moves southward, there will be an area of conflict.

Mr. LONG. Those of us who live in Louisiana realize that the pending joint resolution does not give Texas any right, insofar as shrimp are concerned, which Texas does not already possess, and if the Court should hold that the Texas boundary is 10 miles out, then Texas would have a right to regulate fishing within that boundary. The pending measure does not give Texas any right she does not already have.

VIII. SOME REASONS WHY HOLLAND JOINT RESOLUTION SHOULD NOT BE PASSED

Mr. DOUGLAS. Mr. President, I now come to my eighth point, under the heading "Some Reasons Why the Holland Joint Resolution Should Not Be Passed."

Let us suppose for the sake of argument, however, that Congress does have the power to give away these fifty to three hundred billions of dollars of resources. Does this make it sound public policy? If Congress could give away the gold under the ground at Fort Knox, would that be wise? Perhaps Congress could pass a law which would turn over the Lincoln Memorial, Washington Monument, the Jefferson Memorial, and the White House to advertise the products of the major oil companies. But would this be in the public interest?

If the people of the country knew what they were losing, the Holland bill could never be passed. The backers of the bill must depend upon the lack of knowledge and the indifference of the public to allow the bill to go through by default.

It is, of course, hard for people to become concerned about losing what they never knew they had. This is the real tragedy in this case. Until recently, the real issue has been misunderstood and misrepresented. It has been covered up with technical phrases such as "quitclaim," "tidelands," and the like, and the people have thought the issue was far away and unimportant. But I am confident that if and when the people once understand this issue, they will register their opinion in no uncertain tones and that however long the struggle they will ultimately win.

1. THE HOLLAND BILL PAVES THE WAY FOR TAKING FROM $50 TO $300 BILLION WORTH OF NATURAL RESOURCES FROM ALL OF THE 159 MILLION AMERICANS AND TRANSFERS THESE PRICELESS ASSETS TO 3 OR AT THE MOST 4 STATES

In an earlier part of my speech, I pointed out that careful estimates of the value of oil, gas and sulfur on the Continental Shelf range from a minimum of $50 billion, according to the estimates of the United States Geological Survey, to a possible high of $300 billion on the basis of estimates by Dr. W. E. Pratt. These estimates I pointed out were based on present prices of these products and did not allow for any increase in unit prices.

I have prepared tables showing the loss to the various States if these assets are alienated. As an examination of the tables reveals, I have taken, first, three estimates of the capital value of these assets in the submerged lands of the Continental Shelf, namely, at 50, 125, and 300 billions of dollars. These are based on the estimates of the United States Geological Survey, of Weeks and of Pratt, respectively. Second, the possible royalties to the Federal Government have been computed both on the minimum basis of 12½ percent and the 20 percent which might be realized on the basis of true competitive bidding. I think we have shown that the Louisiana figures are such that the 20 percent might be realized. Third, the amounts which the various States would receive or benefit from Federal ownership and which will be lost if alienated has been computed both in terms of (a) income and (b) capital values according to the relative proportion of the total enrolled school population between the ages of 6 and 17 within the various States in 1950. Allowance has also been made for the fact that under the Anderson-Hill bill 37½ percent of the revenues within the 3-mile limit will be given to the coastal States.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Texas.

Mr. DANIEL. The figures the Senator has just given apply to all the Continental Shelf, do they not?

Mr. DOUGLAS. Yes.

Mr. DANIEL. And those figures are not limited, are they, to the 10-percent area of the Continental Shelf covered by the Holland joint resolution?

Mr. DOUGLAS. I do not believe the Holland joint resolution is limited simply to the 3-mile limit or the 3-league limit. Earlier in the day I argued that it was open-end, so far as extension to the Continental Shelf is concerned, but my figures are for the entire Continental Shelf.

Mr. DANIEL. They would be much smaller if the figures were limited to the 3-mile or the 3-league limit, would they not?

Mr. DOUGLAS. The Senator is correct; they would be about one-sixth.

Mr. President, I now ask unanimous consent that there be inserted in the RECORD at this point certain tables bearing on what I have been saying.

The PRESIDING OFFICER. Is there objection?

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE II.—*The offshore oil issue; the stake of each State*

[The share of each State in the offshore oil and gas reserves of the Continental Shelf allocated according to each State's percentage of enrolled school children, ages 5–17, in line with the Hill amendment to use these resources for education. Low, medium, and high estimate of total value of these reserves are used. ($50 billion, estimate based on U. S. Geological Survey; $125 billion, based on estimate of petroleum expert L. G. Weeks; and $300 billion, based on estimate of Wallace Pratt, former vice president of Standard Oil of New Jersey.) Minimum (12½ percent) and maximum (20 percent) royalties. Royalty figures do not include 37½ percent of royalties from reserves out to 3-mile limit, which go to adjacent States under the Anderson bill (S. 107).]

1. ALLOCATIONS BASED ON TOTAL RESERVES WORTH $50 BILLION

State	Percentage, children 5–17	Capital value	Royalties at 12½ percent	Royalties at 20 percent	State	Percentage, children 5–17	Capital value	Royalties at 12½ percent	Royalties at 20 percent
Alabama	2.52	$1,260,000,000	$151,200,000	$241,920,000	Nebraska	0.89	$445,000,000	$53,400,000	$85,440,000
Arizona	.56	280,000,000	33,600,000	53,760,000	Nevada	.10	50,000,000	6,000,000	9,600,000
Arkansas	1.54	770,000,000	92,400,000	147,840,000	New Hampshire	.35	175,000,000	21,000,000	33,600,000
California	6.33	3,165,000,000	379,800,000	607,680,000	New Jersey	2.77	1,385,000,000	166,200,000	265,920,000
Colorado	.88	440,000,000	52,800,000	84,480,000	New Mexico	.55	275,000,000	33,000,000	52,800,000
Connecticut	1.17	585,000,000	70,020,000	112,320,000	New York	8.43	4,215,000,000	505,800,000	809,280,000
Delaware	.20	100,000,000	12,000,000	19,200,000	North Carolina	3.22	1,610,000,000	193,200,000	309,120,000
District of Columbia	.37	185,000,000	22,200,000	35,520,000	North Dakota	.48	240,000,000	28,080,000	46,080,000
Florida	1.77	885,000,000	106,200,000	169,920,000	Ohio	5.04	2,520,000,000	302,400,000	483,840,000
Georgia	2.66	1,330,000,000	159,960,000	255,360,000	Oklahoma	1.68	840,000,000	100,800,000	161,280,000
Idaho	.47	235,000,000	28,200,000	45,420,000	Oregon	1.00	500,000,000	60,000,000	96,000,000
Illinois	5.24	2,620,000,000	314,400,000	503,040,000	Pennsylvania	6.79	3,395,000,000	424,000,000	663,400,000
Indiana	2.61	1,305,000,000	156,600,000	250,560,000	Rhode Island	.45	225,000,000	27,000,000	43,200,000
Iowa	1.80	900,000,000	108,000,000	172,800,000	South Carolina	1.77	885,000,000	106,200,000	169,920,000
Kansas	1.26	630,000,000	75,600,000	120,960,000	South Dakota	.47	235,000,000	28,200,000	45,420,000
Kentucky	2.13	1,065,000,000	127,800,000	204,480,000	Tennessee	2.44	1,220,000,000	146,400,000	234,240,000
Louisiana	2.05	1,025,000,000	123,000,000	196,800,000	Texas	5.20	2,600,000,000	312,000,000	499,200,000
Maine	.64	320,000,000	38,400,000	61,440,000	Utah	.57	285,000,000	34,200,000	54,720,000
Maryland	1.47	735,000,000	88,200,000	141,120,000	Vermont	.27	135,000,000	16,200,000	25,920,000
Massachusetts	2.79	1,395,000,000	167,400,000	267,840,000	Virginia	2.30	1,150,000,000	138,000,000	220,800,000
Michigan	4.36	2,180,000,000	261,600,000	418,560,000	Washington	1.49	745,000,000	89,400,000	142,040,000
Minnesota	2.05	1,025,000,000	123,000,000	196,800,000	West Virginia	1.60	800,000,000	96,000,000	153,600,000
Mississippi	1.80	900,000,000	108,000,000	172,800,000	Wisconsin	2.33	1,165,000,000	139,800,000	223,680,000
Missouri	2.48	1,240,000,000	148,800,000	238,080,000	Wyoming	.24	120,000,000	14,400,000	22,040,000
Montana	.42	210,000,000	25,200,000	40,320,000					

2. ALLOCATIONS BASED ON TOTAL RESERVES WORTH $125 BILLION

Alabama	2.52	$3,150,000,000	$378,000,000	$604,800,000	Nebraska	0.89	$1,112,500,000	$133,500,000	$213,600,000
Arizona	.56	700,000,000	84,000,000	134,400,000	Nevada	.10	125,000,000	15,000,000	24,000,000
Arkansas	1.54	1,925,000,000	231,000,000	369,600,000	New Hampshire	.35	437,500,000	52,500,000	84,000,000
California	6.33	7,900,000,000	949,500,000	1,519,200,000	New Jersey	2.77	3,462,500,000	415,500,000	664,800,000
Colorado	.88	1,100,000,000	132,000,000	211,200,000	New Mexico	.55	687,500,000	82,500,000	132,000,000
Connecticut	1.17	1,462,500,000	175,050,000	280,800,000	New York	8.43	10,537,500,000	1,264,500,000	2,023,200,000
Delaware	.20	250,000,000	30,000,000	48,000,000	North Carolina	3.22	4,025,000,000	483,000,000	772,800,000
District of Columbia	.37	412,500,000	55,500,000	88,800,000	North Dakota	.48	600,000,000	70,200,000	115,200,000
Florida	1.77	2,212,500,000	215,500,000	424,800,000	Ohio	5.04	6,300,000,000	756,000,000	1,209,600,000
Georgia	2.66	3,325,000,000	399,900,000	638,400,000	Oklahoma	1.68	2,100,000,000	254,000,000	403,200,000
Idaho	.47	587,500,000	70,500,000	113,550,000	Oregon	1.00	1,250,000,000	150,000,000	240,000,000
Illinois	5.24	6,550,000,000	786,000,000	1,257,600,000	Pennsylvania	6.79	8,487,500,000	1,060,000,000	1,658,500,000
Indiana	2.61	3,262,500,000	391,500,000	626,400,000	Rhode Island	.45	562,500,000	67,500,000	108,000,000
Iowa	1.80	2,250,000,000	270,000,000	632,000,000	South Carolina	1.77	2,212,500	265,500,000	434,800,000
Kansas	1.26	1,575,000,000	189,000,000	302,400,000	South Dakota	.47	587,500,000	70,500,000	113,550,000
Kentucky	2.13	2,662,500,000	319,500,000	511,200,000	Tennessee	2.44	3,050,000,000	366,000,000	585,600,000
Louisiana	2.05	2,562,500,000	307,500,000	492,000,000	Texas	5.20	6,500,000,000	780,000,000	1,248,000,000
Maine	.64	800,000,000	96,000,000	153,600,000	Utah	.57	712,500,000	85,500,000	136,800,000
Maryland	1.47	1,837,500,000	220,500,000	352,800,000	Vermont	.27	337,500,000	40,500,000	64,800,000
Massachusetts	2.79	3,487,500,000	418,500,000	669,600,000	Virginia	2.30	2,875,000,000	345,000,000	552,000,000
Michigan	4.36	5,450,000,000	654,000,000	1,046,400,000	Washington	1.49	1,862,500,000	223,500,000	355,100,000
Minnesota	2.05	2,562,500,000	307,500,000	492,000,000	West Virginia	1.60	2,000,000,000	240,000,000	384,000,000
Mississippi	1.80	2,250,000,000	270,000,000	432,000,000	Wisconsin	2.33	2,912,500,000	349,500,000	559,200,000
Missouri	2.48	3,100,000,000	372,000,000	595,200,000	Wyoming	.24	300,000,000	36,000,000	55,100,000
Montana	.42	525,000,000	63,000,000	100,800,000					

3. ALLOCATIONS BASED ON TOTAL RESERVES WORTH $300 BILLION

Alabama	2.52	$7,560,000,000	$907,200,000	$1,451,520,000	Nebraska	0.89	$2,670,000,000	$320,400,000	$512,640,000
Arizona	.56	1,680,000,000	201,600,000	322,560,000	Nevada	.10	300,000,000	36,000,000	57,600,000
Arkansas	1.54	4,620,000,000	554,400,000	887,040,000	New Hampshire	.35	1,050,000,000	126,000,000	191,600,000
California	6.33	18,990,000,000	2,278,800,000	3,646,080,000	New Jersey	2.77	8,310,000,000	997,200,000	1,595,520,000
Colorado	.88	2,640,000,000	316,800,000	506,880,000	New Mexico	.55	1,650,000,000	198,000,000	316,800,000
Connecticut	1.17	35,100,000,000	420,120,000	673,920,000	New York	8.43	25,290,000,000	3,034,800,000	4,855,680,000
Delaware	.20	600,000,000	72,000,000	115,200,000	North Carolina	3.22	9,660,000,000	1,159,200,000	1,854,720,000
District of Columbia	.37	1,110,000,000	133,200,000	213,120,000	North Dakota	.48	1,440,000,000	168,480,000	276,480,000
Florida	1.77	5,110,000,000	637,200,000	1,019,520,000	Ohio	5.04	15,120,000,000	1,814,400,000	2,903,040,000
Georgia	2.66	7,980,000,000	959,760,000	1,532,160,000	Oklahoma	1.68	5,040,000,000	604,800,000	967,680,000
Idaho	.47	1,410,000,000	139,200,000	272,520,000	Oregon	1.00	3,000,000,000	360,000,000	576,000,000
Illinois	5.24	15,720,000,000	1,886,400,000	3,018,240,000	Pennsylvania	6.79	20,370,000,000	2,544,000,000	3,980,400,000
Indiana	2.61	7,830,000,000	939,600,000	2,103,360,000	Rhode Island	.45	1,350,000,000	162,000,000	259,200,000
Iowa	1.80	5,400,000,000	648,000,000	1,036,800,000	South Carolina	1.77	5,310,000,000	637,200,000	1,019,520,000
Kansas	1.26	3,780,000,000	453,600,000	725,760,000	South Dakota	.47	1,410,000,000	169,200,000	272,520,000
Kentucky	2.13	6,390,000,000	766,800,000	1,226,880,000	Tennessee	2.44	7,320,000,000	878,400,000	1,406,440,000
Louisiana	2.05	6,150,000,000	738,000,000	1,180,800,000	Texas	5.20	15,600,000,000	1,872,000,000	2,995,200,000
Maine	.64	1,920,000,000	230,400,000	368,640,000	Utah	.57	1,710,000,000	205,200,000	328,320,000
Maryland	1.47	4,410,000,000	529,200,000	846,720,000	Vermont	.27	810,000,000	97,200,000	155,520,000
Massachusetts	2.79	8,370,000,000	1,004,400,000	1,607,040,000	Virginia	2.30	6,900,000,000	828,000,000	1,324,800,000
Michigan	4.36	13,080,000,000	1,569,600,000	2,511,360,000	Washington	1.49	4,470,000,000	536,400,000	852,240,000
Minnesota	2.05	6,150,000,000	738,000,000	1,180,800,000	West Virginia	1.60	4,800,000,000	576,000,000	821,600,000
Mississippi	1.80	5,400,000,000	648,000,000	1,036,800,000	Wisconsin	2.33	6,999,000,000	838,800,000	1,342,080,000
Missouri	2.48	7,440,000,000	892,800,000	1,428,480,000	Wyoming	.24	720,000,000	86,400,000	132,240,000
Montana	.42	1,260,000,000	151,200,000	241,920,000					

Mr. DOUGLAS. Mr. President, I should like to point out that if the Holland joint resolution shall finally be enacted, my own State of Illinois will lose enormous amounts ranging from $2.62 billion to $15.72 billion of capital value, and from $314.4 million to $3,018,240,000 in royalties.

2. THE REAL RIGHTS OF THE STATES

I am surprised that only the alleged rights of the few coastal States seem to be mentioned in these discussions and

that the real rights of the other 44 States and in particular those of the noncoastal States are never stressed. These other States and the people who compose them now have immensely valuable rights in these offshore deposits, as the foregoing tables demonstrate. If they are worth $50 billion in all, this would come to about $310 per person, or $1,560 for a family of 5. If their true worth should turn out to be $300 billion, then the value per person would be over $1,875 and for a family of 5 would amount to over $9,375.

As a matter of fact, on the basis of this assumption, the gross value of this national asset, as we have pointed out, would exceed the total of the public debt. Those who properly feel that the national debt is a heavy burden upon the income and material assets of the Nation should, I believe, be opposed to giving away resources which may amount to its equal. While it may be hard to get people to care greatly about losing something they never knew they had, nevertheless, as trustees and true guardians, we should protect their real rights.

Mr. President, one of the great difficulties in this entire matter is to get people to realize the amount of money involved. The sums of money are so large that they tend to anaesthetize our senses, and thus we scarcely realize what is involved. So I should like to give a graphic illustration, in order to indicate the amount of money involved.

Suppose we had here a wad of $1,000 bills. I have never seen a $1,000 bill, and I never hope to see one. However, I am told they exist. Each of the white sheets in the small package I now hold in my hand is about as thick as a $1,000 bill. This package has 100 of these sheets. I place them here on the desk before me, and I invite the Members of the Senate to examine them. They will find that each package is about eight-tenths of an inch in thickness. One hundred $1,000 bills, when piled on top of each other, will amount to about eight-tenths of 1 inch. Therefore, it follows that 10 times that many, or 1,000 $1,000 bills, when piled on top of each other, as I am now doing with these sheets, since each package takes up eight-tenths of an inch, will take up 8 inches. I invite my friends, the Senator from Florida [Mr. HOLLAND] and the Senator from Louisiana [Mr. LONG], to use a foot rule to measure these packages. Here are the equivalent of 1,000 $1,000 bills, or the equivalent in thickness of $1 million, piled on top of each other forming a tier 8 inches in thickness.

Mr. President, in terms of thickness, what does $1 billion amount to? One billion dollars is one thousand million dollars. It will therefore be 1,000 times 8 inches in thickness, or 8,000 inches, which amounts to 666⅔ feet—or a distance greater than the height of the Washington Monument.

So each $1 billion that we give away is equivalent to a pile of $1,000 bills rising higher than the Washington Monument. Under the estimate of the Geological Survey there would be 50 of these piles higher than the Washington Monument, which the Holland joint resolution possibly would give away.

Under the Weeks' estimate there would be 125 of these tiers higher than the Washington Monument, which the Holland joint resolution would possibly give away.

Under the Pratt estimate, 300 of these tiers of $1,000 bills rising higher than the Washington Monument may possibly be given away if the Holland resolution becomes law.

Perhaps the illustration is a crude one, but possibly it will tend to overcome the anaesthetizing influence of the large figures that are involved, and will help us to realize more poignantly just what we would be giving away by passing the Holland resolution.

3. THE PREHISTORIC CLAIMS OF THE UNITED STATES AS A WHOLE IN THE CONTINENTAL SHELF

Mr. President, the third point deals with the geological argument of the prehistoric claims of the United States as a whole in the Continental Shelf. I do not know how much sense Senators may think this point makes constitutionally, but from the standpoint of equity it contains a great deal of sense. We hear a great deal about the alleged historical claims of the States in the offshore submerged lands. But we seldom inquire where most of these offshore and submerged lands came from.

The Continental Shelf, or the offshore submerged lands which are not more than 100 fathoms or 600 feet below the surface of the ocean, have been largely derived from alluvial soils washed out into the ocean from the land mass of the continent itself. I should like my good friend, the Senator from Louisiana, to note this fact, if he will.

This is particularly true of the Continental Shelf in the Gulf of Mexico. As I have repeatedly said, this extends into the gulf for many miles, and at some points for as much as 150 miles. Geologists, for example, tell us that the whole delta region of Louisiana, southward from a point above New Orleans, has been built from soil carried and deposited by the Mississippi and other rivers. It is primarily in this delta region of made land that oil and gas have been found in Louisiana.

But the Mississippi, the Rio Grande, and other rivers over eons of time have also carried enormous quantities of soil into the gulf. As this has dropped to the floor of the gulf, it has built up the Continental Shelf. The inland States of the Mississippi Valley can, therefore, properly claim that the offshore oil and gas, when found, will be in and under land which was originally theirs.

The States of the lower Mississippi insist that the States of the upper valley and, indeed, of the country shall help to protect them from being flooded by water which comes from way up stream. If they disclaim any responsibility for these waters, how can they properly claim ownership of the soil contained within these waters as they move toward and into the sea? The States of the upper Mississippi and, indeed, of the country may therefore claim their share in the lands which were originally theirs in prehistoric times, but which now rest in the ocean off the shores of the Gulf States, for if the inland States must bear the responsibility for falling and flowing waters as they move southward, may they not claim credit for the soil which once was theirs, but now is elsewhere in the national domain?

Mr. LONG. Mr. President, will the Senator from Illinois yield to me at this point?

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. DOUGLAS. Yes, I am glad to yield.

Mr. LONG. In speaking of flood control and the depositing of sediment, let me say I would be very glad to go along with the Senator from Illinois in any legislative provision which would keep the sediment from being deposited on our fertile Louisiana soil. I point out that the recent trend is not that the land in the State of Louisiana is increasing; on the contrary, the trend is in just the opposite direction, namely, that the land is receding and that at the present time the ocean is pressing northward from the Gulf of Mexico.

Mr. DOUGLAS. Then I hope the Senator from Louisiana will join us in the protection of the public domain, so that erosion will not occur and so that the ocean will not encroach. Therefore, I invite his attention to the point I am now about to develop.

4. THE HOLLAND JOINT RESOLUTION WILL INEVITABLY LEAD TO THE RAIDING OF OTHER NATURAL RESOURCES NOW OWNED BY THE NATION

Regardless of what the exact terms of the Holland joint resolution may turn out to be, it will pave the way for the alienation of the natural resources of the submerged lands of the Continental Shelf. The Holland joint resolution is in fact merely the starting gong of a new gold rush, the rush to strip the Nation of priceless assets and to turn them over to the States and to greedy private interests, for if we give away the offshore oil and gas resources of the Nation, we shall start an avalanche of demands from other regions and States to get hold of other portions of the national domain. The other States will inevitably reason that if 3 or 4 coastal States are able to obtain national resources worth from $50 to $300 billion, why should they be left out? "When others are getting huge slices of the national pie," they will say, "we should get ours."

MINERAL RIGHTS MAY BE LOST

There are already clear signs of this movement. Senate bill 807, introduced by the senior Senator from Wyoming, and now before the Committee on Interior and Insular Affairs, would give to the States all mineral rights in the portion of the public domain which is situated within their respective borders. This would apply primarily to the 11 Rocky Mountain and Pacific Coast States. That point came out in committee, in statements by members of the committee; and yesterday it came out on the floor of this body.

Here it should be remembered that the Federal Government bought most of this territory from other Governments, such as France and Mexico, with moneys furnished by the taxpayers of other States; that the Federal Government has

spent literally billions of dollars to develop these regions; and that it gives the States 37½ percent of all revenue from the public lands. Yet if the offshore oil and gas are given to the 3 or 4 coastal States, if they are permitted to take over the national domain in the submerged lands seaward from the low-water mark, it will be hard to deny to the Mountain States the minerals which lie beneath the surface of the Federal lands within their borders.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me at this point?

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. DOUGLAS. I am glad to yield.

Mr. LONG. When the Senator from Illinois spoke, just now, of the generosity of the Federal Government in developing the regions in the Mountain and Pacific Coast States by giving the States 37½ percent of all revenue from the public lands, he did not tell the entire story. He said that 37½ percent of all revenue from the public lands goes to those States; but he failed to add that 52½ percent goes into the reclamation fund; and, not one State east of the Mississipp. River shares in the Reclamation Fund.

Mr. DOUGLAS. That is true.

Mr. LONG. Neither my State of Louisiana nor the State of Illinois shares in the reclamation fund.

Mr. DOUGLAS. That is correct.

Mr. LONG. So far as I am concerned, however, I believe it is a wise policy to use the revenues from the minerals in those States to help develop those great land areas.

Mr. DOUGLAS. The Senator from Louisiana is correct, although in the Anderson bill that same provision is not carried out.

Demands to this effect were openly voiced at the hearings, and came from within the committee itself. This will mean giving away more tens of billions of dollars in gas, oil, gold, silver, lead, copper, and phosphate which now belong to the people of the United States as a whole.

NATIONAL FORESTS AND GRAZING LANDS ALSO MENACED

But the giveaway movement is not likely to stop even here. Most of the lumbermen and cattlemen of the West have felt for a long time that the regulations of the Interior Department are too restrictive. They have wanted in the main—with, of course, honorable exceptions—to cut timber in the Government forests at a more rapid rate and to graze more cattle and sheep per square mile than is now permitted by the Federal Government. The Christian Science Monitor for April 3 had a graphic article which described how the big cattle and sheep men of New Mexico want the forests turned over to their State in order to graze more cattle and sheep.

Mr. President, I ask unanimous consent that this article may be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW MEXICO GRAZING NEEDS—STATE SCANS NATIONAL FORESTS

(By Dorothy L. Pillsbury)

SANTA FE, N. MEX.—Cattle and sheep men of New Mexico, once dramatically at odds with each other, are now largely united in disapproval of the guardians and protectors of the State's great national forests—the United States Forestry Department supported by the New Mexico Game Protective Association.

Grazing privileges in national forests are limited and closely supervised. On State lands more cattle and sheep can be grazed, and the supervision is not so exacting. "How much better it would be," say some of the cattle and sheep operators, "if all our public lands were handled by the State."

New Mexico, fourth-largest State, with an area of 78 million acres, has more than 8,500,000 acres in national forests. Of these forests, about 1 million acres remain in their primitive condition and are known as wilderness areas.

Here no permanent dwelling is permitted, no lumbering is allowed. The only roads and trails allowed are those necessary for the protection of the area. No automobile can get into these wilderness sections. Whoever seeks their beauties must go in on horseback or on foot.

SIX WILDERNESS TRACTS

New Mexico has six of these wilderness tracts where nature has remained unchanged through the centuries and where there is no hint of modern civilization. In these wildernesses roam deer, bear, elk, and countless winged inhabitants from the eagle to the wild turkey.

Here in early summer are mountain meadows blue with wild iris. Here are tumultuous streams, icy lakes, and mountain peaks rearing up to 13,000 feet.

Here and to other parts of the national forests reached by motor roads come thousands of visitors every year. They come not only from the State, but from the Nation and from distant lands.

The other side of the picture is the need for more grazing lands for two of the State's greatest income producers—cattle and sheep. Grazing rights in the national forests are valuable even under the strict limitations of the Forest Service.

Hugh B. Woodward, Albuquerque attorney and president of the New Mexico Game Protective Association, in a paper recently delivered before the 18th American Wildlife Conference in Washington, D. C., cited the fact that the New Mexico Game Department in buying an 800-acre ranch in the midst of the Gila National Forest paid $134,000 for it, with the appraised value of the patented land and improvements placed at $34,000 and the remaining $100,000 the value of the grazing privileges in the surrounding national forest.

The Forest Service, which is the target for the complaints of stockmen, is a comparatively young department. It was established February 1, 1905, by act of Congress and was vigorously supported by Theodore Roosevelt. The policy of the Service, as established by James Wilson, Secretary of Agriculture in 1903, stated that the United States forest reserves are to be devoted to the permanent good of the whole people and are not for the temporary benefit of individuals or companies, and that conflicting interests must be reconciled by the greatest good to the greatest number.

It is on this policy that Mr. Woodward builds his argument. He states that not all livestock men of the State are denouncing the Forestry Service, but that a comparatively small fraction of citizens who benefit from forest administration are the complainants. Neither do the complaints derive from a large number of "little men," usually the Spanish-American sheepmen.

He states that Forest Service records show that in New Mexico 1,785 permittees paid fees to the national forests to run 77,150 head of cattle. At the same time 168 permittees paid fees for 103,876 head of sheep and goats.

In other words, 1,953 permittees enjoyed rights and privileges not accorded to some 110 million citizens of the country. And also that 10.6 percent of the permittees enjoyed 63.9 percent of the grazing privileges in New Mexico's national forests. In other words, a few big cattle companies, and not the Spanish-American "little man," are getting the main share of national forest grazing in the State.

HEAVY TOURIST TRADE

Mr. Woodward stresses the economic value of the national forests in the State along with their less tangible recreational value. He quotes the fact that the tourist trade brought $150 million a year into the State and that 163,636 citizens of the Nation bought fishing and hunting licenses costing $749,288.

But Mr. Woodward does not confine his argument to economic income, to recreation, to the protection of wildlife. More important than all of these is the necessity of protecting the State's high-water-yielding acres within the National Forests.

Unless these are protected it means further erosion of an already tragically eroded State. It means siltation of valleys and dams. It means destructive floods. It has a decided bearing on allocation of water between States. It means the lowering of the water table for fast-growing cities and for industry and agriculture.

The greatest good for the greatest number rests on the water supply of the region, says Mr. Woodward. He quotes Theodore Roosevelt's "Water is the lifeblood of western civilization" as his concluding argument.

Mr. DOUGLAS. These groups would therefore like to have the federally owned forests and grazing lands turned over to the States. For they believe that if this were done they could bring greater pressure upon the local governments and could speed up the rate of cutting and could graze more livestock. There are 173 million acres of federally owned forests in the United States and another 60 million acres in Alaska. There are 230 million acres of federally owned grazing lands. We therefore have inside the United States 400 million acres of forest and grazing lands.

There are also some who cast covetous eyes upon the great national parks of the country which have large quantities of land contained within them. They would like to cut off these lands.

One of the areas upon which especially eager eyes are being cast is the great Olympic National Forest in Washington, which is one of the great rain forests of the world. During the last war, the Senator from Illinois spent some time in the western islands of New Britain, where there are 250 inches of rain a year. It was very interesting to live in a region where the rainfall is 250 inches a year, and to notice the behavior of the forests. Around Port Angeles, Wash., the average rainfall is, I believe, the highest of any point in the United States. The rainfall is approximately 180 inches a year. Those who have read The Egg and I will remember the amount of rain which fell in that region. It has created a great forest, and the private lumbermen want

it. Other great forests are in the Cascades, the Tetons, the Sierras and Rocky Mountains and in the uplands generally.

While there is naturally much local pressure for quick development, the ultimate results of overcutting and overgrazing would be disastrous to the country. Trees are in a sense like vertical sponges. They help to retain melted snow and rainfall. So do deep-rooted grasses and legumes. When the trees are cut down, the grass overcropped and the land cut up by overgrazing, then water cannot be held back on the uplands. Tricklets and streams pour down from the higher regions and swell into torrents as they move on; fertile soil is washed away; gulleys are cut into land, the lower lands are flooded, the rivers are filled with silt which backs up behind the new dams which have been and are being built. In a relatively short time the country is eroded. This is what happened to China, Spain, and Italy once the trees were cut off from the hills and mountains. It is what was happening in this country until the conservation movement got under way.

I have frequently walked in the Italian mountains, and have been struck with the fact that because the trees were cut off centuries ago, the rain has eroded the soil and left nothing fertile, but only rocks. The result is that the Italian peasants of this great central land mass, which runs up the backbone of Italy, live poverty-stricken lives. Had they conserved their forests, they could have had not only a healthy timber industry, but they could also have had a good agricultural industry.

I have not had the opportunity of walking through the mountains of Spain, but friends of mine who have been there say the situation in Spain is even worse. Many years ago I read books by J. Lawson Buck, the husband of Pearl Buck, the great novelist, which described deforestation in China, and in which he said that the reason for the decline of agriculture in China was that they had cut off their trees, and therefore there was nothing to hold the water. I say to my friends we were nearly in that situation in this country 50 years ago.

THEODORE ROOSEVELT AND GIFFORD PINCHOT LED CONSERVATION MOVEMENT

I want to pay tribute to two great Americans, who happened to be Republicans, who were the original leaders of the conservation movement, namely, President Theodore Roosevelt and Gifford Pinchot, formerly Chief Forester and twice Governor of Pennsylvania, and my good friend. They started the movement to conserve our forests and to preserve our soil. That movement, started by Roosevelt and Pinchot, has continued. The Forestry Service and the Bureau of Land Management have in recent years prevented the national forests from being overcut and the public lands from being overgrazed. The Soil Conservation Service has promoted long-range soil conservation practices on privately owned lands such as reforestation, contour plowing, terracing, the planting of deep-rooted grasses and nitrogen fixing legumes such as clover and alfalfa, the building of small dams and of farm ponds, and so forth. While most of the moneys distributed by the Production and Marketing Administration—which should be distinguished from the Soil Conservation Service—have been used for lime and fertilizer which normally pay for themselves with one or two crops, some rebuilding of the soil has occurred under this program, particularly on poorer soils. With all its faults, the much abused National Government has protected the public interest and has helped to conserve our national resources.

OIL GIVEAWAY MAY LEAD TO GOLD RUSH FOR OTHER RESOURCES

The alienation of the public lands and parks to the States would undoubtedly be a serious setback to the conservation movement. The pressure of the private interests eager for quick development would be almost impossible for the States to resist. It would undo most of the work of the last half century. We need instead a redoubled program to hold back far more water where it falls instead of having it rush more rapidly to the sea, carrying our topsoil with it.

I appeal to my friends on the other side of the aisle—I see one of them on the other side of the aisle, and one who was once a Republican but who now has founded the Independent Party—to act in the traditions of Theodore Roosevelt and Gifford Pinchot and to promote rather than to weaken the conservation of our natural resources. For once the oil giveaway has been passed, the gold rush to dispose of our national resources will start.

We of the rest of the country have spent liberally of our money to acquire, to develop, and to protect these natural resources. We have done so in the national interest but also to help develop the western areas. So we have paid out enormous sums for irrigation, river development, dams, the national parks and forests, the care of the Indians, silver suksidies, protection to sugar, beef, wool, and so forth. In return, we share in the great assets of the public domain, although we are very happy to give the States and local governments three-eighths—37½ percent—of the income from it to help meet local costs.

The Senator from Louisiana has just pointed out that 52½ percent more goes back to the reclamation fund to assist those Western States with irrigation.

Now, however, as a result of our generosity, there is apparently a strong movement to strip us of our share of these national assets. We of the older settled regions of the country are not selfish, but we must protest at having our fair share of the assets of the Nation taken from us. After all, we have rights, too.

If, indeed, we give away the offshore oil to the 3 or 4 coastal States and then start alienating the mineral resources and the public lands, forests and parks, I would not be surprised to see Kentucky file claim for the gold which we have buried under the ground at Fort Knox.

After all, Mr. President, that gold is a mineral. It is under the ground, on public lands. If the States can claim the right to phosphate, silver, gold, ore, and so forth, we may find Kentucky making a claim for the $25 billion of gold which we have buried in Fort Knox. It is within the historic borders of Kentucky.

There are about $25 billion of golden metal which we have deposited there, and, incidentally, it should be noticed that according to the press an audit by the incoming Secretary of the Treasury has shown that it is all there. There have been underground charges that the New Deal and Fair Deal had made off with some of this gold. The New Deal and the Fair Deal did not make away with a single grain of that gold; it is all there, and I hope that canard will forever disappear from the literature of the country and from whispers and talk.

Cannot Kentucky, therefore, with a straight face, lay claim to the rich mineral deposits of gold underneath her soil and take the 25 billions? And one can picture the hard-pressed Federal Government if it tries to anticipate such action, frantically trying to move the gold from State to State only to find that each State will claim title to it as fast as it is put under ground. There will be almost no refuge to which the Federal Government can fly and virtually no place where it can safely hold its assets. For its children will be so busy trying to pick its pockets and strip the head of the family of his property that our National Government will resemble an Ishmael or a King Lear whom none of his family will own or support.

I am confident that none of us in his heart really wants that to happen. The best way to prevent it is by holding on to our national heritage in the offshore deposits and stopping the prospective raid before it begins.

FEDERAL POWER PROJECTS ALSO THREATENED

If the offshore oil and gas deposits are given to the States, it will not be only the minerals, forests, and grazing land which will follow. The big multipurpose dams which the Federal Government has built on the rivers will quite possibly be the next to go. Many of the States are already trying to obtain these, and the private power interests in particular are interested. For many of the private power groups undoubtedly believe that once the States acquired title they, the power companies, would take over these dams or at the very least their transmission lines. They would then be freed from the present requirement that municipal and cooperative power groups, like the REA, are to have first priority upon the power.

I heard the leader of the Independent Party [Mr. MORSE] make a speech on the floor of the Senate a few days ago in which he said that if the power companies got the transmission lines from the generating points into the great centers where the power is used, they would set up their own system of priorities, resulting in the killing off of local public power projects.

The private companies could, as a matter of fact, then substitute their own system of priorities. This would give them the ability to favor the private distribution of power and they could kill off public and even REA power. It would

be hard, moreover, for State regulatory commissions to make sure that the economies of low generating costs would be passed on to the ultimate consumer.

State ownership of these dams would, of course, create the problem as to whether the States would pay for those portions of the cost which are properly chargeable to flood control, navigation, and to recreation. There would be an attempt to have these costs assumed by the Federal Government.

Moreover, where the dams on a river system extend over two or more of the States, as is true in the case of the Tennessee, Colorado, Columbia, and Missouri Rivers, there would be an administrative problem of how the interests of the separate States and their ownership of specific dams could be integrated into a general system of so handling the water as to obtain the maximum development of power and the greatest protection from floods. For the handling of water on such a river system needs to be carefully integrated between dams. It cannot be operated by different States owning various dams and with the operation run at cross purposes, like Solomon dividing a child between two persons who claim it.

I beg the Senate, therefore, not to open this Pandora's box of spoliation, wastage, and confusion. Let us keep these great assets for the benefit of us all.

IX. THE ANDERSON-HILL BILLS: A BETTER WAY OF HANDLING THE SUBMERGED-LAND ISSUE

Three measures with a very different point of view are those sponsored by Senator ANDERSON—S. 107—an amendment to this bill proposed by Senator HILL and 20 colleagues, and a second Anderson bill, S. 1252.

The gist of the original Anderson bill, S. 107, has already been described. It specifically grants the tidelands proper to the States and also the submerged lands under rivers, lakes, harbors, bays, ports, and under all navigable inland waterways. It also surrenders any possible Federal claim to filled-in lands and consents that the respective States may regulate the taking of sponges, oysters, clams, kelp, and so forth. This is also done by S. 1252, which confines itself to these very matters. It is not necessary, therefore, to pass the Holland bill, Senate Joint Resolution 13, in order to make triply sure that the State title to these assets will be confirmed. This can be done by passing either one of the Anderson bills, namely S. 107 or S. 1252.

But the original Anderson bill—S. 107—is the exact opposite of the Holland bill in dealing with the submerged lands seaward from the low-water mark. Instead of turning over the natural resources of these submerged lands to the coastal States, they are properly to be retained by the Nation as a whole.

The leasing of oil and other rights in these submerged lands is to be conducted by the Federal Government under fair rules of procedure, and the receipts from these leases inside the 3-mile limit are to be divided on the basis of 3/8 to the coastal State in question and 5/8 or 62½ percent to the Federal Government. Out beyond the 3-mile limit in the area of what might be termed international waters, the Federal Government is to receive all of the lease money collected from private parties.

If a dispute arises between the Federal Government and a State over the precise dividing line between that State's submerged lands under navigable inland waters and the Federal offshore lands, the Anderson bill—section 3—authorizes operations to proceed under agreements for the impounding of rents and royalties pending adjudication of the controversy. Thus these legal disputes need not prevent or delay the prompt development of these resources under S. 107.

As I have previously mentioned the rights of those who hold existing State leases are to be preserved and will be carried over intact. The Anderson bill does not prescribe what is to be done with the Federal share of the receipts. Instead by section 5 (a) (2) it is provided that these shall be held in a special fund pending congressional determination of how they are to be used.

It is here that the Hill amendment comes in. For it prescribes the purposes for which these moneys are to be used, namely: First, during the present national emergency they are to go into a special fund and are to be "used only for such urgent developments essential to the national defense and national security as the Congress may determine"; and, second, thereafter the moneys are to be "used exclusively as grants-in-aid of primary, secondary, and higher education."

The amendment does not, in its present form, prescribe the form which these grants are to take. But in a previous bill, in the 82d Congress, Senator HILL was careful not to go into the vexing question of exactly how these funds were to be distributed.

Instead he merely provided that a representative national commission was to be set up which would draw up a plan for later action by Congress which would aid education within the States. Since the funds during the current national emergency are to be used for national defense, this provides sufficient time in which a plan can be drawn up.

It should be emphasized that Senator HILL does not propose to set up a system of national education, but rather merely to provide added funds for education to be carried on within the States under the direction and control of the States themselves. It is also clear that he believes such a commission could work out the problems connected with the relationship of private and public schools. As I shall later point out these problems are not insoluble.

THE INCOME FROM OFFSHORE OIL COULD ALSO BE USED TO PAY OFF THE NATIONAL DEBT

But if Congress does not choose to use the income from the offshore oil and gas for the purposes of education, it could use these funds to help pay off the national debt. According to Dr. Pratt's estimate the capital value of the underseas deposits of oil alone is approximately equal to the total amount of the national debt alone which now amounts to something over $267 billions.

Of course not all of this sum would be realized by the Government since it would only receive the royalties on the gross income. At 12½ percent, which should be the minimum, this on the basis of Dr. Pratt's estimates, would ultimately amount to over $33 billions, and at 20 percent to over $53 billions. These sums would be of tremendous help in cutting down the heavy burden of debt and in decreasing both the debt and the tax load which each of us has to bear.

Even if the reserves turn out to be only equal to the much lower estimates made by the United States Geological Survey, the total royalties on their figures would ultimately be from $5 billions to $8 billions. We cannot disregard such sums as these.

X. THE POSITIVE MERITS OF THE HILL BILL

1. THE THEORY AND HISTORY OF THE USE OF NATURAL RESOURCES FOR EDUCATIONAL PURPOSES

What Senator HILL and those of us who are joined with him are fundamentally proposing is that the natural resources of the country should be used to develop the human resources of the country.

This is a well-established American tradition. The ordinances of 1785 and 1787, for example, provided that a portion of the public lands in the Northwest Territory were to be used for the purpose of establishing and supporting schools and education. Subsequently, Congress passed other laws which either gave public lands or the proceeds from them for education in the States. The States have also dedicated the proceeds from a large proportion of their land within their own borders to education.

The big step in this direction by the Federal Government, however, was, of course, the Morrill Land Grant Act of 1862, which was passed during the Civil War and signed by President Lincoln. This act granted to each State either 30,000 acres of Federal land or scrip for that amount for each Senator and Representative in Congress to which a given State was entitled. This was to be used for the establishment and maintenance of colleges of "agriculture and the mechanical arts."

In those States where there were either no Federal public lands or an insufficient amount, the States were issued land scrip which could be put up for sale and redeemed by those who bought it. The buyers thus obtained title to public lands which were located in other States.

We in Illinois take an especial interest and pride in this legislation because it was long urged by two eminent Illinoisans, namely, Jonathan B. Turner, of Jacksonville, and State Superintendent Newton Bateman, and because it was signed by Illinois' greatest son, Abraham Lincoln.

As a result of the Morrill Act, about 13 million acres of public land were devoted to the establishment of colleges of agriculture and mechanical arts. Indeed most of the great State universities and agricultural colleges in the Middle West, the West, and particularly in the South as well were founded under the stimulus of the Morrill Act. They are the children created by this use of the natural resources of the Nation to promote the education of the youth.

But many eastern institutions as well, such as Cornell, are also land-grant colleges, so that all sections of the country

have benefited from the Morrill Act. All these institutions have been of incalculable benefit to the Nation.

The use of the enormous resources of the submerged lands of the Continental Shelf would similarly be of tremendous advantage in this generation in building up primary, secondary, and higher education.

2. EDUCATIONAL NEEDS

The great increase in the birthrate during the last 10 years, the sharp advance in prices and wages and the big share which defense needs are taking out of the national income have all made the building, teaching, and financing needs of our schools more and more urgent and indeed desperate.

To begin with, we should realize that there are still 2½ million adults in this country who are unable to read or write. This is shown by a research project which General Eisenhower himself started when he was president of Columbia University and which has just been published.[1] This seriously weakens our military, industrial, and social strength and certainly demands national action. Money expended to wipe out this weakness would be a good investment.

Mr. President, I ask unanimous consent to have printed at this point in my remarks an article entitled "Two and One-Half Million Illiterates in the United States Held Undermining United States Economy," published in the New York Times of March 21, 1953.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

TWO MILLION FIVE HUNDRED THOUSAND ILLITERATES IN UNITED STATES HELD UNDERMINING DEFENSE AND ECONOMY

(By Kalman Seigel)

The United States must strive to eradicate its "still excessively large" population of 2,500,000 illiterates to strengthen its military arm, enhance its economic well-being, and spur democratic growth, a Columbia University research group reported yesterday.

This is the major conclusion of the first important study to come out of the work of the conservation of human resources project established at Columbia University in 1950 by General Eisenhower, when he was president of that institution. The study, entitled "The Uneducated," is a 246-page volume by Dr. Eli Ginzberg, professor of economics, and Dr. Douglas W. Bray, a research associate, and is published today.

The 5-year project, which is operating on an annual budget of $100,000, was started by General Eisenhower, because of the striking evidence of manpower wastage revealed to him during World War II.

The results of the study were made public at a press conference at the Columbia University Club, 4 West 43d Street, attended by top-ranking personnel officials of the armed services.

The major findings were:

Despite tremendous advances in eradicating illiteracy in the last 60 years, the scale of the problem is still excessively large in view of the importance society attaches to education and the economic resources available for the support of education. Census data show that 12 percent of employed males in the United States had less than 5 years schooling at the time of World War II.

The South is the region of major difficulty because it has so many children in proportion to that population to educate. Negro education there, especially in the past, has been poorly supported and there are great deficiencies to make up. With respect to Negro education, the average value of property, buildings and equipment per pupil in Alabama in 1948 was $35 compared with a national average of $441 for all pupils.

There is a real difficulty in incorporating even a relatively small number of illiterates into an organization developed on the assumption that the persons in it can read and write.

One of the worst concentrations of illiteracy is among the Navaho Indians, who are wards of the Federal Government, in an isolated culture that has made it next to impossible to bring schools to them. Another major area where illiteracy is bred is among the children of migratory farm workers.

It is no longer possible for our democracy to remain strong unless the citizenry is able and willing to inform itself about many and complex issues far transcending local issues. And this can be done only if each individual is able to read and write critically.

Although illiteracy is tending to disappear, there is little likelihood that these gradual changes will eliminate the problem of the uneducated in any reasonable time.

Conclusive evidence has been adduced that the special training program established by the Armed Forces in World War II met its principal objective by providing a basis for the adjustment in 2 or 3 months of illiterate and poorly educated young men to military life. This episode in military history has significance far beyond the purely military domain.

As part of a wide frontal attack against illiteracy in the Nation, which the researchers contended cost the country the equivalent of more than 40 divisions in World War II, the study made these recommendations:

A Federal grant-in-aid program with funds available whenever a State has a tax rate for education in proportion to or above the national average and where the yield from these taxes provides considerably less per pupil than the national average. Under this system the States in the Southeast would receive considerable assistance.

Abandonment by the Armed Forces of their present policy of rejecting the uneducated for military service and reinstitution of the special training programs. The present policy of rejection, the study said, "seriously compromises the ideal of universal military service."

The Federal Government should take immediate action where it already has the authority and responsibility, to strengthen education.

"Money is surely not a solution to everything," the study asserted, "but it is not comforting to realize that the Federal Government spends many times as much on assistance to migratory birds as on assistance to the children of migratory families."

Noting a direct relationship between the problem of illiteracy and the cold war, the study declared that Russia "apparently has made substantial strides within its own borders in eradicating illiteracy and uses this progress as a major propaganda weapon" while calling the world's attention to the considerable number of illiterates in America "which boasts so much about its standard of living."

In its discussion of the problem in the South, the study found that against a national per capita income average of $1,436 in 1950, Mississippi averaged $698, while Arkansas, South Carolina, and Alabama averaged about $830. The average expenditure per pupil in the United States in 1947–48 was $179 as against $71 in Mississippi and $93 in Arkansas.

Of its first recommendation for Federal grants-in-aid, the study warned that because of former large discrepancies in expenditures for the Negro and white pupil in all Southern States, it would be "important for the Federal Government to establish certain safeguards against discriminatory use of these funds." The study suggested the stipulation of certain minimum standards that would raise the level of the poorest schools.

At the press conference a letter from President Eisenhower to Dean Philip Young, of the university's graduate school of business, was made public. The project, aided by the university, the business community, foundations, trade unions, and the Federal Government, was established in the school of business.

The President said that while he had only had time to dip into the study, "I can see, however, that it has accomplished our original purpose of getting the facts about the wastage of our human resources before the public."

"The objectivity of the presentation will encourage the development of constructive policies to avoid such waste in the future," he asserted.

Dean Young, who will resign his Columbia post, on Monday to prepare for a post with the Federal Civil Service Commission, called the project "a unique endeavor." Maj. Gen. Howard McC. Snyder, personal physician to President Eisenhower and senior adviser to the project, to whom the book was dedicated, also attended the conference.

Mr. DOUGLAS. Mr. President, as a result of the flood in children, school enrollments have been rapidly rising. In 1945–46, the total number of pupils in both public and nonpublic elementary and secondary schools amounted to approximately 26,300,000.[2] The best estimate for 1952–53 is 32,200,000. The net increase has been approximately 1,000,000 a year,[3] as those born during the low-birth-rate years of the thirties drop out from the upper classes and the children from the high-birth-rate years enter in the lower grades. In addition there are about 2,400,000 of students in colleges, universities, and specialized schools.

There is every prospect that the number of students will continue to increase at an average rate of about 1,000,000 a year up until 1958, reaching 37,200,000 in the elementary and secondary schools in that year and if the colleges are included, totaling approximately 40,000,000.

This huge increase in the number of students requires, of course, more schoolrooms and more teachers. But the school districts and States are handicapped in providing these because of the great increase in construction costs and prices and by the large share which the cost of national defense is taking out of family incomes. The result is that school facilities, which had been allowed to run down during the depression and which were suspended during World War II, have fallen badly in arrears of need.

Under direction from Congress, the United States Office of Education has just completed a school-facilities study covering 37 States. They estimate that

[1] Ginzberg and Bray, Our Uneducated, p. 246.

[2] Rose M. Smith. Rising Enrollments in Public and Nonpublic Schools. School Life, May 1950.

[3] See Information Service, National Council of Churches, November 1, 1952, p. 2. About 4,000,000 of the total were in private and parochial schools.

213,000 new classrooms need to be built. Some 64,000 of these are said to be required to relieve overcrowding, 37,000 to take care of increase in enrollment and 112,000 to replace classrooms in obsolete buildings.[4] The estimated cost of this new construction is fixed at approximately $6.2 billion, or at about $1,000 per pupil to be housed.[5] Adding in the cost of needed new buses the total needs were fixed at $7 billion, while the maximum which could reasonably be expected to be raised by the States and localities is estimated at $3.8 billion. This would leave a deficit of $3.2 billion.[6]

Even allowing for some exaggeration in these figures the need is nevertheless seen to be a pressing one. For in 1949–50, only a total of 1 billion was spent by the States and localities for new buildings, sites and equipment.[7]

There is of course great need for competent teachers. Of the total of 900,000 teachers, about two-thirds are in the elementary grades. Mr. W. G. Carr, the new secretary of the National Education Association, states that only one-half of these have bachelor's degrees and that about 100,000 lack one-half of the "acceptable minimum preparation."[8] There are in fact 66,000 teachers who hold substandard or emergency certificates.[9]

As is well known, the salaries of school teachers tend to be low. In 1951, they averaged $3,095 as compared with $9,375 for lawyers, and $13,432 for doctors.[10] Teachers therefore averaged only one-third as much as lawyers and one-quarter as much as doctors. It is of course true that lawyers and doctors need more training than the average teacher, but professional engineers require about the same amount of training and yet in 1949 they received nearly double the average for teachers.[11] Skilled workers seem to have received about 20 percent more than teachers while in some places, relatively unskilled workers also received more.

All this, of course, causes great difficulty in attracting and retaining an adequate number of good teachers. The annual wastage is high—about 100,000 a year and, in many cases, it is the best of the teachers who leave.

The colleges and universities are also in great financial difficulties. Supplementary financial aid is therefore needed for our schools. The Hill amendment offers a strong prospect for such aid, when the present defense emergency is over. It seems to be a natural to meet a great need.

I know that many are honestly fearful that the granting of Federal moneys for education will inevitably founder on the conflicts between the supporters of the public and of the parochial schools. This has unfortunately been true in the past. I do not think it need be true in the future. I believe a broadly representative commission can work out methods which will reconcile these differences. These at a minimum could include health services for all children and some building allowances, and scholarships to secondary schools and colleges for private as well as for public institutions.

This newly discovered treasure cannot be put to better use.

Mr. President, I should like to summarize my remarks, which I shall do in the space of not more than 5 minutes.

XI. SUMMARY

I submit that there is no good or sufficient reason why we should pass the Holland bill. There is on the contrary every reason why we should reject it and pass the Anderson-Hill bill instead.

The Holland bill gives away to a few States enormous treasures which belong to us all. Most of the sponsors of this bill are the very ones who say they are gravely concerned about the size and burden of the public debt, yet this bill would alienate assets which may ultimately be equal in value to that debt and could be used to reduce it.

We are all properly worried about the difficulty of balancing the budget, but this bill would throw away much needed income which would help us to balance that budget.

We are concerned with the 2½ million illiterates in this country and the low level of education given to others, yet this bill would throw away a large future income which could be used to wipe out illiteracy and help ensure to all an acceptable minimum of education.

We take great pride in the Nation as a whole and in the principles for which it stands, but this bill would weaken the national interest and increase the feeling of separatism when more than ever we need to be united.

We give lip service to the idea of soil conservation and we lament when we see our rivers carrying away to the sea enormous quantities of our rich top soil. Yet this bill will be merely the prelude for a drive to turn back our national forests and grazing lands to the States with the almost inevitable result that they will be overcut and overgrazed. This will increase floods and soil erosion.

The Holland bill will endanger the rights of our fishermen off the coasts of Alaska, Mexico, and Newfoundland. It will touch off interminable legal disputes between some of the States and the Federal Government; it will raise grave questions of international law. During all this time, the development of these resources will be held back.

From every consideration of the national interest, I submit this is an unwise bill. Now I can understand the position of the Representatives and Senators from California, Texas, Louisiana, and Florida. Their States stand to gain enormous amounts from this bill. It would be asking too much of human nature to expect these men to take any different course from that which they are following. Furthermore I want to say, again, that I believe they are completely sincere in the arguments which they advance.

But what I cannot understand are the mental processes of the Representatives and Senators from the other States, who are nevertheless supporting the Holland bill. Their States gain nothing from this bill for, as I have again and again pointed out, the submerged lands in these navigable inland waterways have never been threatened by the Federal Government and we will confirm their title by statute in the Anderson bills.

But the Holland joint resolution will take away from these other States enormous assets which can be used to decrease their burdens and also to confer positive benefits upon them. I have given some idea of the amounts of these losses in the tables which I have introduced. How, in the face of all this, Senators from these other States can continue to support the Holland joint resolution passes my comprehension. And I think that when the people of the United States come to understand this issue, as they rapidly are doing, they will also be unable to understand why there is such support for this bill from the other 45 States which stand to lose and not to gain from its passage.

The billions of dollars which the people of the country will lose is a heavy price to pay for the vindication of the Nation's historical claims of 3 or 4 States—claims which were made and pressed only after the discovery of the rich oil and gas resources in the marginal sea off their coasts.

On the other hand, the Anderson-Hill proposal would conserve these precious assets for the Nation as a whole, but would allow a fair additional share to go to the coastal States. It would be fair to existing leaseholders from the States. It would permit the immediate development of these fields by avoiding all the troublesome and delaying legal suits which the Holland joint resolution will almost immediately touch off. It will permit our fishermen to ply their trade without fear of reprisals. It will enable the income from our great natural resources to be used in the present to help meet the heavy costs of national defense, to help balance the budgets, and to reduce the national debt. In the long run it will dedicate this income to the development of our greatest national asset, the human resources of the country, while it heads off a movement which would despoil us of our next greatest asset, namely, the natural resources of our land.

Before we do irretrievable damage to our country, let us ponder these facts and considerations and then vote as our consciences decide. And in the long run it will be the informed conscience of the people which will pass judgment upon this issue and upon us. Into their hands we place this question with confidence in the ultimate result.

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HILL. I desire to congratulate the Senator from Illinois on his presentation of this case. Whether or not

[4] School Facilities Survey, 2d Progress Report, Office of Education, 1953, p. 34.

[5] Ibid. p. 38.

[6] Ibid. p. 46.

[7] Statistics of State school systems, 1949–50, pp. 86–87.

[8] NEA News, October 17, 1952, p. 2.

[9] New York Times, January 14, 1953, p. 28.

[10] For the details behind these figures see National Education Association, Economic Status of Teachers in 1951–52, p. 18. William Wienfeld, Income of Lawyers, Physicians, Dentists, Survey of Current Business, July 1952, p. 6.

[11] I. e., $4,554 as compared with $2,576 for teachers alone and $2,890 if principals and supervisors are included.

Senators agree with him, I feel certain that all of us appreciate how able, profound, persuasive, and brilliant his speech has been. It was one of the great speeches I have heard since I became a Member of the United States Senate. I warmly congratulate the Senator from Illinois.

Mr. DOUGLAS. I thank the Senator from Alabama.

MEETING THE SOVIET CHALLENGE

During the delivery of the speech of Mr. DOUGLAS,

Mr. FLANDERS. Mr. President, I shall read very brief sections of my remarks, and I ask unanimous consent that the statement, as a whole, may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FLANDERS. Mr. President, the statement which I have before me, and which I shall read in skeleton only, relates to the situation we are facing at the present time, involving apparently new efforts or movements on the part of the Soviet Government, which seem to have in them more substance than had previous approaches to the same subject. I am not going to proceed to read in detail the series of subjects dealt with in my statement, such as Strengthen Our Military Defense, Build Up Our Moral and Spiritual Reserves, or our policy with regard to Korea, though, with relation to the latter, I should like to set forth a few paragraphs, the purport of which will be self-evident.

Since preparing these remarks we have had the incident of a proposal from high authority that we might be willing to settle the Korean conflict on the basis of a new boundary at the narrow waist of the peninsula above the North Korean capital of Pyongyang. Maybe the statement of high authority was more explicit than this. Maybe it was not properly reported. Certainly, as reported, it did not meet the conditions of being "dictated by current history and eternal principles."

The statement did not say who was to have jurisdiction over the territory between the new line and the Yalu River. Very properly the Korean Ambassador raised a protest at turning this territory over to the Chinese Communists if that were the intention. If, on the other hand, it were the intention to retain this area in Korean control and neutralize it under the administration of a commission, that should have been stated.

Any peace terms offered should be so just and logical that no government, whether Chinese Communist, North Korean, South Korean, or the mighty Soviet Empire itself, can raise objections to it without meeting a demand for explanation of those objections.

We have reason to be glad that the Senator from California [Mr. KNOWLAND] obtained assurances that no settlement was being considered on the terms made public.

My prepared remarks continue with comments regarding Indochina, India and Pakistan, and Iran, and conclude with a statement as to how we may meet the challenge, which will be by the dual policies of strength and righteousness. I ask unanimous consent that the statement as a whole be printed in the RECORD at this point in my remarks.

There being no objection, the statement by Mr. FLANDERS was ordered to be printed in the RECORD, as follows:

Since V–E day the Soviet Government directly and through its satellites has been continuously throwing challenges at the Western World and Christian civilization. The list is a long one. It includes such items as the threatened invasion of Iran from the northwest by Communist forces, the blockade in Berlin, the refusal of a countrywide free election for Korea, the Communist support of insurrection in Indochina, the organized Communist brigandage in Malaya, the invasion of South Korea, first by the North Koreans and then by the Chinese Communists, the spurious armistice negotiations and more recently the attacks on American and British planes which were flying on their "lawful occasions." This by no means exhausts the list, but it does include some of the highlights.

From time to time the Soviet Government has called loudly for peace and has organized peace congresses and peace movements in the countries of the Western World; but we now have a peace challenge which seems to be new. With the death of Stalin and the taking over of the Soviet Government by a new group, we have from Moscow new expressions of devotion to the cause of peace. On the face of it this devotion is now being supported by deeds as well as by words—a situation which was seldom evident under Stalin's leadership. Among the many evidences are the clearing of the corridors into Berlin from many vexatious impediments, an offer to discuss the shooting down of our airplanes, a proposal for the exchange of ill and wounded prisoners in Korea and a new offer to unite East and West Germany on the basis of the withdrawal of all foreign troops.

We are asking ourselves, "What does it all mean?" The headlines show perplexity and skepticism. They read: "Red Peace Talk Puzzles West," "NATO Chiefs Sound Warning," "U. S. Fears POWs May Be Pawn in New Red Gain," "Cautious Hope Felt on Red Proposal," and many another similar headline besides. We wonder whether it is really a new policy and if so, whether it is dictated by temporary difficulties and strains. We remember that in a similar situation—though of economic not political difficulty—Lenin instituted the short-lived new economic policy of private initiative. Is this a shrewd, dangerous move like the original armistice proposals, or a short-lived one like the NEP?

We find ourselves in the state of mind of a neurasthenic woman looking over the fence at neighbors whose goings and comings she cannot understand. To judge by headlines and official cautions we worry about this situation night and day. But really we do not have to wonder and to wait. We can set our course through current events in the light and with the guidance of enduring principles. It is time that we faced our world in this calm spirit.

Our goal is to build a sound policy structure on the two foundation pillars of strength and righteousness, and we must contrive it while looking at the problem as whole, noting its enduring aspects, not shifting our plans with every shifting in the drift of smoke from our neighbor's chimney.

To put the matter more specifically, we must move confidently on the dual but parallel courses of perfecting our defenses both material and spiritual, while at the same time we meet openly, honestly, and fully any advances toward peace.

STRENGTHEN OUR MILITARY DEFENSE

We must perfect our defense. The pitiful supply of arms and ammunition which has resulted from our scores of billions of appropriations and expenditures must be repaired. Peace proposals, or no peace proposals, we must proceed more efficiently toward the stockpiling of the munitions of defense.

There is a job to be done in the organization of the armed services. In part this requires a change in its top administration and a civilian commission is actively at work to bring this about. But there must also be a study of the spheres of action and responsibilities of each of the services—the Army, the Air Force, and the Navy with its attached Marine Corps—to make sure that these spheres and responsibilities are sharp and clearly defined. These services have the duty of protecting the country, not of fighting each other.

Should there be a lull in Korea extending over a considerable length of time we will have the chance to shift our present cruel and unjust reserve system over into universal military training. Our Reserves should not be composed to such a large extent as at present of men who have already fought 1 war and many of them 2, of men who have begun to raise families and who have only recently established themselves in their life work after years of military service. Our Reserves must be composed of trained young men and, as I hope to show later, our policies should be such that these young men can undertake their training with joy and with pride.

If there is a real cessation of fighting for an appreciable length of time the fact that ammunition is not being discharged and that we will have moved into the less burdensome UMT will enable us in some measure, to decrease expenditures even while we are perfecting our defense. Thus will we escape the heaviest weight of the military burden which Stalin counted on to crush us.

BUILD UP OUR MORAL AND SPIRITUAL RESERVES

Even more important than our military defense is the perfection of our moral and spiritual strength. This is even more important than arms and armament because it is the effective, constructive force in a troubled world in which the sole usefulness of military strength lies in defense and in the gaining of time and space for real achievement.

In the economic and diplomatic field our policies must be based on the well-being of peoples rather than the direct seeking of power. Power based on military strength is a transient thing. Military strength leads toward envy and fear as much as it does toward friendly cooperation. Policies which are based on the well-being of people, if wisely devised and carried out, will lead to hearty and close cooperation. The result will be a leadership which is gladly given to us rather than extorted through fear.

KOREA

To illustrate these general observations let me again be specific. The current problem is Korea. More than once on this floor have I expressed my belief that eternal principles and the current of events dictate the offering by the United Nations of terms of peace to the contestants in that unhappy peninsula; that is to say, to the Chinese Communists and other soldiers and people of North and South Korea. Briefly, the terms logically indicated meet the publicly expressed interest of Communist China by setting up a neutral zone along the Yalu which will assure that government against invasion from the south. It would likewise insure Korea against invasion from Manchuria. That zone should have its neutrality administered and inspected by a commission composed entirely of Asiatic nationals. Here we have face saving for the Communist Chinese Government, an offer of constructive responsibility to the Asiatic nations and protection from aggression for Korea.

Korea must have its agricultural south and industrial north united and that would be a part of the agreement. Together they can

communism in the long-run struggle but will weaken the United States:

A. A truce would represent a local cessation of fighting only and may be a temporary shift in policy to gain time for:

1. Further rapid Soviet industrial expansion: The fifth 5-year plan calls for production increases from 1950 to 1955 by 43 percent in coal, 85 percent in petroleum, 62 percent in steel, 80 percent in electric power, 85 percent in metallurgical equipment, etc.

2. Political consolidation of the new Soviet regime.

3. Political, psychological, economic, and military preparations for a new Communist move.

B. A desire for a truce may be based on a Soviet belief that it would:

1. Induce a relaxation in the rearmament of the United States and its allies, while Russia continues to arm.

2. Cause economic dislocation and recession in the United States (and hence throughout the free world) by suddenly inducing a substantial cut in Federal defense spending, and a reversal of private investment.

3. Cause a psychological let-down in the United States and thus a recession, or spiraling depression, because of a suspected business and consumer belief that peace and full employment are incompatible.

II. A Korean truce alone would not remove the basic threat of Communist aggression against which Western free-world military preparedness and industrial expansion have been directed. Military and economic adjustments resulting from a truce would be comparatively minor in light of the broad, long-run needs, objectives, and dangers which remain unaffected.

A. Direct identifiable expenditures on Korea account only for 10 percent of military spending, or $4 to $5 billion per year which could be cut gradually, depending on:

1. The need for supplies to R. O. K. forces to prevent a new attack, and to aid in rebuilding the economy of Korea.

2. When and where United States forces now in Korea are relocated, and the cost of transportation, training, and equipment for the size of the total military forces considered necessary.

3. Decisions on the speed and extent of building military reserves (i. e., stocks on hand to meet possible future aggressions) which could not be made in many cases while operations were continuing in Korea.

B. These direct Korean military expenditures of $4 to $5 billion are minor compared to a current gross national product of over $360 billion. Their reduction would not warrant a change in business or consumer expectations or any significant cuts in private spending. The only real danger is that an unjustified psychological reaction will set in similar to July 1950, but in the reverse direction, resulting in widespread retrenchment in anticipation of reductions in Government demand larger than actually develop.

III. A Korean truce should not alter present expectations of continued high employment and output combined with stable prices unless purely psychological setbacks of the type mentioned above should occur.

A. Effects of the Korean truce alone on the Federal budget are unlikely to change previous expectations that total administrative budget expenditures in fiscal 1954 will fall within the $70 to $80 billion range, and in fiscal 1955 within the $60 to $70 billion range and that tax receipts under present laws providing for automatic cuts will amount to $68 to $70 billion in fiscal 1954. The administration's current review of the budget in relation to our military objectives, time schedules, organizational structure and efficiency, might be expected to narrow the 1954 expenditure range to $70 to $75 billion—even without a Korean truce. Continued improvement in the over-all budget position is likely to provide increased hope for future tax adjustments, stimulating to private investment and consumption.

B. Private investment plans should not be altered by a Korean truce from the high levels previously in prospect:

1. Latest SEC-Commerce Survey of Business plans for purchase of new plant and equipment indicate a rise of about 2 percent for 1952–53—5 percent larger than planned last October for 1953. This optimistic outlook is supported by the recent upward movement of new orders for capital goods reversing the 1952 trend and by the new survey of business investment plans by McGraw-Hill Publishing Co. In addition, analyses by the United States Departments of Commerce and Labor and by private building industry economists, and a survey of builders by Fortune magazine, all point to nonfarm residential construction in 1953 as high or higher than in 1952.

2. Present investment plans appear to be based on long-run considerations such as were spelled out in the Joint Economic Committee print on The Sustaining Economic Forces Ahead, and hence are reasonably secure from fluctuations due to a Korean truce since:

(a) They were made in expectation of a cut in defense spending after the peak in the present year so the modest reduction due to a Korean truce would be no great change.

(b) There is no evidence of excess capacity in industries where additional investment is now planned, e. g., electric power.

(c) The demand for residential construction reflects the effects of new family formation, continued high birth rates particularly for third and fourth children, replacement of old units in central urban areas by modern suburban units in new locations, and high levels of consumer incomes and savings sufficient to turn housing needs into effective demand.

3. Present inventories are not considered excessive relative to rates of sales though presently available data do not permit accurate assessment of some industries which will be planning readjustments as defense production passes its peak. Recent additions to inventory were due to the replacement of losses caused by the 1952 steel strike.

C. Consumer expenditures seem likely to continue stable to rising through fiscal 1954 supported by rising disposable personal income, ample liquid savings, stable prices, and favorable terms of finance for durable goods—the same outlook as reported recently by the Federal Reserve Survey of Consumer Plans and Expectations.

1. A Korean truce is unlikely to have appreciable immediate depressing effects on disposable personal incomes since eventual reductions due to reduced Government spending may be offset by direct reductions in taxes planned for such time and the indirect stimulating effects of tax revisions on private spending.

2. Continued high consumer incomes and relatively stable prices probably mean rising consumer expenditures in line with rising real disposable incomes. [If consumer disposition to spend should rise even slightly it would sharply reduce recent high savings.]

3. A Korean truce might influence consumers either to hesitate in their spending for a month or two particularly on durable goods and luxuries, or to reduce recent high savings, thus bolstering demand.

D. As a result of a Korean truce, the standards of living in noncommunistic countries might be raised and United States foreign trade through private channels might increase if world tensions are relaxed enough to:

1. Reduce burden of military programs on other countries as well as on United States.

2. Render feasible the expansion of private United States investment abroad and Government policies conducive to such investment.

3. Replace foreign military aid in part with increased technical assistance programs.

IV. The possibility of a Korean truce points to the likelihood that the years ahead might be marked by alternating Russian policies of tension and relaxation. Any Russian intention of creating dislocations and disturbances in our economy (as well as in our military readiness) by such tactics must be defeated. Therefore, study of our national economic prospects and our policies to promote healthy economic growth needs continued attention and reappraisal in the light of changing international as well as domestic conditions. Among the Government programs and policies which should be given continued attention are:

A. Indirect controls such as credit and debt management.

B. Long-range tax policies to improve economic incentives.

C. Automatic stabilizers such as agricultural price supports, unemployment insurance, and flexible fiscal policies.

D. Rising standards of living abroad as a means of successfully combating communism, through improved international trade, investment, and interchange of technical information.

REQUESTED NOTIFICATION TO SENATOR MORSE OF ANY REQUESTS FOR COMMITTEES TO MEET DURING THE DEBATE ON SENATE JOINT RESOLUTION 13

Mr. MORSE. Mr. President, it is necessary for me to leave the floor for a conference with some constituents. Therefore I should like to announce that it is my personal wish that in case a unanimous-consent request for any committee to hold a hearing while the submerged lands debate is going on, either the majority leader or the acting majority leader, the minority leader or the acting minority leader, object in my behalf; or, if not caring to do that, to give me the courtesy of a quorum call so that I may come to the floor and do my own objecting.

The VICE PRESIDENT. Without objection, it is so ordered.

REQUEST TO ADDRESS THE SENATE ON WEDNESDAY

Mr. NEELY. Mr. President, I ask unanimous consent to address the Senate upon its convening next Wednesday, or after the disposal of routine business, if such there be on that day, regarding a matter which is wholly unrelated to the present order of business, without prejudicing my right to speak to the pending resolution or to any amendment to it which may be proposed.

Mr. HOLLAND. Mr. President, reserving the right to object, may I ask the distinguished Senator from how long a period of time he desires to address the Senate?

Mr. NEELY. For less than an hour.

Mr. HOLLAND. I have no objection.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters